

UNIVERSITY OF GEORGIA SCHOOL OF LAW
Clinical Appointment and Promotion Unit

Adopted May 18, 2016

Revised May 9, 2023

I. Introduction

This document governs the Clinical Appointment and Promotion Unit (CAPU) at the School of Law. It supplements the *University Guidelines for Appointment and Promotion of Clinical Faculty* ("University Guidelines") and provides standards, criteria, and procedures for the appointment and promotion of clinical faculty. If this document does not address a certain issue, the University Guidelines will govern on that issue. In the event of conflicts between this document and the University Guidelines, the University Guidelines will prevail.

Preparing students for the practice of law requires law schools to provide experiential learning opportunities. The American Bar Association ("ABA"), which is the law school's accrediting agency, requires law students to "take one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement. To satisfy this requirement, a course must be primarily experiential in nature." The ABA Standards also require that a "law school shall provide substantial opportunities to students for law clinics or field placement(s)." More broadly, the law school's commitment to a robust clinical and externship program aligns with and furthers the university's service and experiential learning goals. Finally, experience has shown that clinical programs play a key role in both recruiting students and helping students find post-graduate employment.

Clinical faculty teach and supervise students in settings in which lawyers practice law, including (but not limited to) clinical courses providing direct service to clients, externships in which students work under the supervision of lawyers in the field with classroom instruction by a professor, and other practical learning skills classes. Directing clinic and externship courses requires a distinctive set of skills. Clinical faculty must design experiential courses to maximize what students learn from their experiences in a clinic or externship. They must be able to teach relevant substantive law, legal process, and lawyering skills in both classroom settings and guided supervision meetings. They are called upon to help students navigate the application of professional responsibility norms, ethics rules, and lawyering across cultural difference.

Clinical faculty must also engage in substantial law practice or externship program management, maintain active relations with their professions, the Bar, and relevant state, regional, and national associations, and maintain leading-edge professional skills. Finally, some clinical faculty may need to devote substantial efforts towards maintaining or increasing external funding sources while others train and supervise clinic staff attorneys, fellows, and/or paralegals. For these reasons, the allocation of effort for clinical faculty will often reflect

substantial engagement in teaching, clinical practice, administration and/or service.

This document replaces the Law School's previous document for appointment and promotion of clinical faculty, dated 2016, and, upon ratification, the criteria herein generally apply to all clinical faculty regardless of appointment date. However, consistent with the tenure-track faculty's revision to its promotion and tenure guidelines, if these new criteria would in any way disadvantage a current faculty member who has been attempting to satisfy the 2016 criteria, then clinical faculty up for consideration of promotion in 2023 or 2024 can affirmatively elect to have the 2016 criteria applied instead.

A. Types of Clinical Ranks

Clinical faculty ranks in the School of Law have three levels: Clinical Assistant Professor, Clinical Associate Professor, and Clinical Professor. These are non-tenure track appointments, but they do constitute a career ladder consistent with ABA Standard 405(c).

B. CAPU Head

The Head of the CAPU will be the Dean or the Dean's designee (typically, the Associate Dean for Clinical Programs and Experiential Learning).

C. Clinical Faculty Voting Privileges

Full-time clinical faculty will have full voting privileges in the law school in all matters, except for search, appointment, promotion and tenure of tenure-track faculty, and other tenure-related issues.

D. Eligible Voting Faculty for CAPU Appointment and Promotions

Eligible voting faculty members of the unit will vote on recommendations for appointment and promotion of clinical faculty, consistent with this document and the University Guidelines. All tenured, tenure track, and clinical faculty are eligible to vote on appointments of clinical faculty members at any rank. All Professors, Associate Professors, Clinical Associate Professors, and Clinical Professors are eligible to vote on promotions to Clinical Associate Professor. Clinical Professors and Professors are eligible to vote on promotions to Clinical Professor.

II. Appointment and Promotions

The CAPU will have primary responsibility for ensuring that the prospective clinical faculty member holds the appropriate degree and has the experiential background needed for the disciplinary setting in which the individual will work, in accordance with this document and University Guidelines. In all cases, clinical faculty must have a J.D., as well as be licensed to

practice law in the relevant jurisdiction or obtain such licensure within a reasonable period after being hired.

As further specified below, appointment and promotion must be based upon promise of or demonstrated excellence in instruction, professional leadership, clinical practice, service, and/or scholarly activities. The balance among the various categories should be clearly specified by the CAPU Head upon the faculty member's appointment via the position offer letter. The Dean or CAPU Head may reallocate that effort, which typically is discussed during the annual evaluation cycle. Assessments of clinical faculty members' candidacy for appointment or promotion should account for the distinctive features of their clinic and externship courses, including the demands of their particular clinical practice and program management. Successful performance at one rank, in and of itself, does not imply having met the criteria for the next rank, simply by the passage of time. Salary increases for promotion within the CAPU should be consistent with those associated with promotion of tenure re track faculty.

A. Appointment Criteria

The following requirements must be met for initial appointments into the CAPU at the applicable rank.

Clinical Assistant Professor: A candidate for initial appointment to Clinical Assistant Professor must hold a J.D. and have at least two years of full-time experience, comparable training, and/or post-J.D. experience in the legal profession. Candidates should show evidence of a high level of competence in their area of specialty and demonstrate promise of moving toward excellence in instruction, clinical practice, professional leadership, service, and/or scholarly activities in the disciplinary area of the position. Once appointed, a faculty member is expected to serve no more than seven (7) years at the rank of full-time Clinical Assistant Professor.

Clinical Associate Professor: A candidate for initial appointment to Clinical Associate Professor must meet all criteria for appointment to Clinical Assistant Professor and must also demonstrate recognition at least at the regional level as an authority in their practice area or pedagogical specialty based on excellence in instruction, clinical practice, professional leadership, service, and/or scholarly activities. Candidates for initial appointment to Clinical Associate Professor should have held the rank of Clinical Assistant Professor for at least five (5) years or have comparable teaching background and experience.

Clinical Professor: A candidate for initial appointment to Clinical Professor shall meet all criteria for appointment to Clinical Associate Professor and must demonstrate recognition at a national or international level as an authority in their practice area or pedagogical specialty based on excellence in instruction, clinical practice, professional leadership, service, and/or scholarly activities. Candidates for initial appointment to Clinical Professor should have held the rank of Clinical Associate Professor for at least five (5) years or have comparable teaching background and experience.

B. Promotion Criteria

The Dean or CAPU Head shall prepare promotion dossiers in consultation with candidates, and, as appropriate, designate CAPU committees to review candidates. External reviews will be solicited in accordance with the University Guidelines.

Clinical Associate Professor: For promotion to Clinical Associate Professor, an existing clinical faculty member must have held the rank of Clinical Assistant Professor for at least five (5) years and demonstrate recognition at least at the regional level as an authority in their practice or pedagogical specialty based on excellence in instruction, clinical practice, professional leadership, service, and/or scholarly activities. Early promotion (less than five years in rank) must be supported by strong justification.

Clinical Professor: For promotion to Clinical Professor, a faculty member must have held the rank of Clinical Associate Professor for at least five (5) years and must demonstrate recognition at a national or international level as an authority in their practice or pedagogical specialty based on excellence in instruction, clinical practice, professional leadership, service, and/or scholarly activities.

Evidence Supporting Promotion Criteria

Evidence supporting recognition as an authority at the requisite level for each rank may be established through letters of support, external reviews, honors or awards, or applicable achievements referenced in the Annual Evaluation Criteria for Clinical Faculty (the current version of which is included as Exhibit A to this document, below). In assessing teaching ability for purposes of promotion within the CAPU, the Law School will rely primarily on peer evaluation of teaching performance. Faculty colleagues will make this evaluation based on discussions with the candidate, review of their course materials, and observation of their classes and/or clinical supervision meetings. Student evaluations play a distinctly secondary role in the promotion process but will also be considered, along with any other relevant evidence of teaching and practice ability (*e.g.*, teaching awards, letters of support from previous students, selection for University Teaching Fellows programs, regular participation in clinical teaching conferences, etc.).

C. Interim Review

In accordance with the University Guidelines, the Dean or the CAPU Head will implement an interim review process for faculty members holding the rank of Clinical Assistant Professor.

D. Compliance with ABA Standard 405(c)

ABA Standard 405(c) that provides in relevant part that “[a] law school shall afford to full-time clinical faculty members a form of security of position reasonably similar to tenure.” In compliance with this standard, and consistent with law school precedent previously authorized

by the Provost and found by the ABA during its last site inspection to comply with Standard 405(c), clinical faculty with at least five years of full-time clinical teaching experience are eligible for consideration of security of position consisting of continuing annual fiscal year reappointment contracts that will cease only because of (1) dismissal for cause; (2) financial exigency; or (3) two consecutive unsatisfactory job performance evaluations. In general, successful appointment or promotion into the rank of Clinical Associate Professor or Clinical Professor pursuant to the procedures and criteria outlined in this document will authorize this security of position if/when the candidate has five years of full-time clinical teaching experience. This assurance shall be conveyed at the appropriate time of contract renewal or reappointment via a letter from the Dean.

III. Appeals Processes


The appeals process in CAPU appointment or promotion matters will follow the University Guidelines.

Approvals:

Approved by the School of Law faculty on:

May 9, 2023

Approved by the School of Law Dean on:

May 9, 2023 

Approved by the Senior Vice President of Academic Affairs and Provost on:

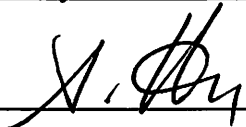
 5/22/2023

EXHIBIT A

Annual Evaluation Criteria for Clinical Faculty University of Georgia School of Law As Revised 2023

Evaluation of all faculty members on the clinical promotional track will occur annually and will be based on (1) the faculty member's self-report of activities performed the prior year; (2) review of written materials produced by the faculty member; (3) student course evaluations; (4) nominations for and/or receipt of awards, honors, or other recognition; and (5) any other available materials or metrics relevant to the annual assessment categories. The principal categories for evaluation will be: Instruction (including both Clinical Teaching and other courses taught, if applicable), Clinical Practice, Service, and Scholarly Activities. Some clinical faculty may also have Administration as a category for evaluation. The Dean or Associate Dean will make appropriate adjustments to the weighting of each category depending upon a clinical faculty member's overall teaching load (including summer teaching, if applicable), significant service roles, or other factors that affect the balance between teaching, clinical practice, service, and scholarly activities. The factors listed below for each category are illustrative. Not all factors are relevant or required for each clinical faculty member.

Instruction

Clinics and externships require varying approaches to clinical supervision and classroom teaching. Evaluation of this category will take into consideration the type of clinic and externship for which the clinical faculty member is responsible. Relevant criteria may include, but are not limited to, evidence of the following:

General Criteria

- Demonstrates desire for continuous growth and development as a clinical teacher and supervisor.
- Stimulates, motivates, and inspires students.
- Encourages independent thinking by students.
- Ensures the clinic or externship course integrates doctrine, theory, skills, and legal ethics, and engages students in performance of one or more relevant professional skills.
- Creates and explains learning objectives for the clinic or externship course.
- Develops and informs students about the standards and methods for evaluating student progress and achievement.

- Provides regular and meaningful feedback to students.
- Demonstrates accessibility to and interest in students.

Clinical Supervision

- Creates and maintains methods for the observation of every student's performance in the course, by clinic or field placement supervisors.
- Provides or ensures timely feedback to students on their performance, as appropriate to the particular clinic or externship.
- Provides feedback to students that is relevant to the learning outcomes and evaluative criteria stated for the course.
- Encourages student reflection, self-assessment, and self-critique.
- Identifies and helps students to navigate issues of ethics, professionalism, and cultural difference.
- Helps students to identify transferable skills and to connect their clinic or externship experiences to their future work as lawyers.

Clinical Seminar

- Designs a clinic seminar that demonstrates mastery of subject matter and that enhances the clinic or externship experience.
- Conducts class in an organized manner.
- Presents material with clarity, enthusiasm, and creativity.
- Encourages significant participation by every student.
- Selects or creates quality teaching materials and updates materials and methods as appropriate.
- Incorporates discussion of ethics, professionalism, cross-cultural lawyering, and professional identity formation.

Additional Considerations for Assessing Instruction

- Teaches additional non-clinical courses, including undergraduate courses.
- Furthers collaborations across clinics and/or other university units.
- Supervises students doing supervised research or independent research for credit.
- Supervises journal notes, capstone writing, or comparable academic projects.

- Engages in substantial mentorship roles on advocacy teams.
- Deals sensitively and appropriately with unusual and particularly challenging clinical teaching issues that arise.
- Receives teaching honors or awards.

Clinical Practice and Program Administration

Clinics and externships require varying approaches to clinical practice or program administration. Evaluation of this category will take into consideration the type of clinic and externship for which the clinical faculty member is responsible. Relevant criteria may include, but are not limited to, evidence of the following:

General Criteria

- Models professional responsibility, ethical awareness, and integrity.
- Demonstrates responsible stewardship of financial matters.
- Models appropriate relationships with non-attorney and attorney staff, interns, and other persons affiliated with the clinic.
- Complies with applicable university human resources policies.
- Effectively manages the student admission/selection process and organizational matters relating to the externship or clinic.
- Effectively communicates information about the clinic or externships to prospective and current students, alumni, and the broader community.

Law Practice Management

- Delivers high quality legal services to clients, including during periods when students are not enrolled.
- Maintains a high level of care and concern for each client who receives assistance from the clinic.
- Effectively manages case selection and law practice administration to assure the quality of the learning experience for students.
- Exercises appropriate judgement in case selection.
- Creates, maintains, and helps students to master effective practice management systems.

- Furthers positive relationships between the clinic and stakeholders in the relevant area of practice.

Externship Program Management

- Ensures the quality of the student experience at field placements, including the quality of supervision and the type and scope of work.
- Recruits, trains, and maintains regular contact with externship supervisors.
- Creates and follows clear, consistent practices for assessing and approving newly proposed field placement sites.
- Takes steps to ensure there are ample opportunities for high quality placements for students within the externship program.
- Develops familiarity with accreditation requirements related to field placement programs, documents compliance with those requirements, and addresses any problems that arise.
- Furthers positive relationships between the externship program and stakeholders in relevant practice areas.

Additional Considerations for Assessing Clinical Practice

- Devotes time and energy into the generation or continuation of grants, gifts, or other external funding.
- Takes on clinical work that involves substantial complexity or that raises the profile and reputation of the clinical program, the law school, or the law student.
- Undertakes significant or resource-intensive improvements to the clinical program, such as: development of new practice management tools; implementation of opportunities for students to become accredited or certified in a specialty; accomplishment substantial increases in practice volume; or development of highly-coveted placements for externs.
- Receives awards or honors recognizing clinical practice.

Service

Some clinical faculty members may be involved extensively in one particular type of service; others may be involved in a variety of activities. Evaluation of this category will take into consideration the clinical faculty member's level and quality of involvement in service activities and the activities' relation to the faculty member's experience and fields of expertise.

Examples of service activities include, but are not limited to, the following:

- Serves on law school or university committees.
- Serves as an advisor or mentor to students on coursework or careers.
- Serves as an advisor to student groups or assists student organizations or co-curricular activities, including journals, or advocacy teams (*e.g.*, moot court, mock trial, and negotiation competition teams).
- Collaborates with other faculty or units in the law school or university.
- Develops partnerships or networks with alumni and practicing attorneys to enhance students' learning experience in the classroom or as part of co-curricular activities or for the development of post-graduate job opportunities for students.
- Serves on bar committees or commissions at the local, state, or national level.
- Performs pro bono work.
- Presents at bar or law conferences, continuing education events, to community groups, or to other constituencies outside the law school.
- Serves as an unpaid expert, consultant, or advisor regarding legislation, litigation, administrative rule-making, or policy matters.
- Serves as a spokesperson to the media on a particular subject matter or event.
- Organizes (or substantially assists in the organization of) conferences or colloquia on legal issues or an aspect of legal education.
- Assists or collaborates with government officials, community organizations, or other lawyers engaged in work relevant to the clinical faculty member's work.

Scholarly Activities

In light of the distinct characteristics of clinical teaching, a broader range of scholarly and professional activities satisfies the scholarship requirement, both for purposes of annual evaluations and for purposes of establishing regional or national recognition regarding promotion. Evaluation of this category also will take into consideration the level of institutional support for the clinical faculty member's scholarly activities, including allocation of time, availability of teaching assistants or fellows, research-intensive semesters, or other appropriate resources.

Examples of scholarly activities include, but are not limited to, the following:

- Publishes work in academic or professional journals, newsletters, magazines, newspapers, books, or other media regarding legal education, a substantive area of law, professional practice improvements, or the advancement of law teaching.
- Publishes, or otherwise demonstrates authorship and relevant distribution of, continuing legal education articles, conference papers, practice manuals, training materials, white papers, or similar written works.
- Publishes textbooks or other course materials; or demonstrates use of the candidate's previously published course materials or other legal work in other law school courses.
- Writes or participates in the writing of filed briefs or memoranda on significant legal issues.
- Prepares and submits written comments on, or drafts of, state or federal statutes, regulations, or administrative rules or policies.
- Publishes editorials on current legal issues.
- Provides written or oral testimony to legislatures or agencies related to the clinician's area of expertise.
- Provides legal commentary to news media, legal blogs, podcasts, or other outlets or forums for legal analysis.
- Provides legal trainings or legal presentations for academics, lawyers, or law students who are not the faculty member's current students (for example, teaching CLE courses, providing legal presentations for law student organizations, or guesting in colleagues' classes at the law school or elsewhere).
- Conducts educational programs, trainings, or other legal presentations in the clinician's practice area for constituencies outside of the law school, including non-lawyers.
- Demonstrates scholarly contributions through leadership roles or substantial service on state, regional, or national committees, taskforces, boards, or other organizations.
- Demonstrates scholarly contributions through the organization of national or regional conferences or colloquia addressing legal issues or legal education.
- Demonstrates scholarly contributions through collaborations with government officials or community organizations on matters involving legal issues or legal education.
- Receives awards or honors recognizing scholarly activities.