

APPENDIX I: SCHOOL OF LAW

Procedures for Appointment, Promotion, and Tenure

The Law School Lateral Faculty Appointments Committee and the Entry-Level Faculty Appointments Committee, working in conjunction with the dean, are charged generally with identifying personnel needs, establishing priorities of needs, locating prospective appointees, evaluating candidates, and making recommendations to the faculty on all new appointments. All members of the faculty are encouraged to submit to the committees the names of prospective candidates they believe deserve serious consideration.

The committees shall make a recommendation to the faculty concerning the type of appointment to be offered to a particular candidate it finds acceptable. If the appointment is to be with tenure status, the fact shall be made known to the faculty when the name is placed before it.

A candidate shall be granted indefinite tenure only if he or she has demonstrated the qualities necessary for sustained excellence as both a teacher and a creative and productive scholar, looking to the future as well as the past. In making this decision, the faculty may assess the quality of a candidate's teaching on the basis of student evaluations, class visitations, and/or such other techniques it deems appropriate; it may assess the quality of a candidate's scholarship only on the basis of his or her written work that is in a state of completion sufficient to satisfy reasonable standards of craftsmanship, and this written work must be sufficiently substantial to permit confident judgment by the faculty in the matter. Other factors that may weigh in the decision are the extent, relevance, and significance of a candidate's contributions to legal education, law reform, public service, and the administration of justice.

Detailed descriptions of procedures and standards for the various types of law school appointments appear in Rules 4-1 and 4-3 of the Law School Rules, below:

Rule 4-1, Faculty Meetings

1. Faculty meetings may be called in the discretion of the Dean, provided that the Dean shall give notice to all members of the Faculty with rights of attendance of the time, place, and agenda of any such meeting at least forty-eight hours before it is scheduled to take place. No item of business of which such members of the Faculty have not been so notified shall be acted upon by the Faculty over the objection of any member.
2. Tenured and tenure-track members of the Faculty, Joint Appointees, and Research Professors shall be entitled to attend and participate in all Faculty meetings, with the exception that tenure-track Faculty will not be entitled to attend Faculty meetings (or the portions of Faculty meetings) dedicated to discussions of tenure for internal candidates or reappointment of tenure-track Faculty members.

Clinical Professors and Professors of the Practice are entitled to attend and participate in all Faculty meetings with the proviso that: in Faculty meetings (or the portions of Faculty meetings) dedicated to discussions of tenure for external candidates, upon request made

before or during a Faculty meeting by a member of the Faculty entitled to vote on the matter, some time shall be reserved during the discussion period for discussion of the candidates(s) with Clinical Professors and Professors of the Practice absent.

Clinical Professors (Teaching) are entitled to attend all faculty meetings designated by the Dean as general business meetings.

In addition, the Faculty may, in its discretion, invite or permit others to attend and participate.

3. No action shall be taken on any item of business at a Faculty meeting unless a quorum, which shall consist of not less than one-half of the regular members of the Faculty in residence and with voting rights on the item(s) of business, is present and unless by a majority vote of those present entitled to vote and actually voting.
4. At the request of not less than three members of the Faculty present and entitled to vote, and after debate on the item, action on any item of business initially before the Faculty shall be deferred to the next meeting.

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Rule 4-3, Appointments, Promotions and the Granting of Tenure

1. **Tenured and tenure-track members of the Faculty and Research Professors.**
 1. Tenured and tenure-track members of the Faculty and Research Professors shall be eligible to vote on recommended appointments, provided, however, that only tenured members of the Faculty shall be eligible to vote on tenure, and only tenured members of the Faculty and Research Professors shall be eligible to vote on reappointments of tenure-track faculty. No affirmative action shall be taken by the Faculty on any recommended appointment unless by a two-thirds majority vote of those members present, eligible to vote, and actually voting, provided, however, that on a matter affecting indefinite tenure, affirmative action shall be taken by a majority vote of those members present, eligible to vote, and actually voting.

Except as noted below, only those present at the time of the vote may vote. The presence requirement is satisfied by either (a) physical presence at the time the vote is taken or (b) presence by telephone at the time the vote is taken, in the case of a person who has been present either by phone or in person for all portions of the discussion of the candidate. An exception to the presence requirement may be granted, in the case of a person who is present by telephone at the time of the vote and who was present (physically or by telephone) for a substantial portion of the discussion of the candidate, upon a motion and approval by a majority vote of those physically present. To encourage active faculty participation in the

discussion of candidates, and to discourage proxy voting and de facto proxy voting, exceptions should be granted only in extraordinary circumstances.

2. Initial Appointments as Professor of Law

1. In recommending to the Faculty initial appointments to tenure-track or tenured Professor of Law positions, the following guidelines shall ordinarily be followed by the Entry-Level Faculty Appointments and the Lateral Faculty Appointments and Promotion Committees, provided, however, that the Committees may depart from these guidelines for compelling reasons:

1. An initial appointment as Assistant Professor for a term of three years without tenure: to a candidate who when he or she commences teaching here will have had his or her basic law degree for less than five years.
2. An initial appointment as Associate Professor for a term of three years without tenure: to a candidate who when he or she commences teaching here will have had his or her basic law degree for more than five years but less than ten years and who has not had substantial law school teaching experience.
3. An initial appointment as Professor for a term of three years without tenure: to a candidate who when he or she commences teaching here will have had his or her basic law degree for more than ten years and who has not had substantial law school teaching experience.
4. An initial appointment as Professor with indefinite tenure: to a candidate who when he or she commences teaching here will have had five or more years of law school teaching experience and who will have had a tenured appointment in another law school or the likelihood of gaining it shortly.
5. The type of appointment to be recommended for a candidate who does not fall within any of the above categories shall be determined in light of his or her age and his or her professorial experience and achievements.

2. No candidate ordinarily will be recommended to the Faculty by the Entry-Level Faculty Appointments Committee or the Lateral Faculty Appointments and Promotion Committee for an initial appointment to tenure-track or tenured Professor of Law positions unless that candidate has visited the Law School or most members of the Faculty have otherwise had an opportunity to meet him or her.

3. Promotions and the Granting of Tenure

1. To provide direction and advice to a faculty member before tenure is granted, the Dean shall conduct annual reviews of the faculty member, including appraisals of his or her teaching, scholarly achievement, research agenda, and other contributions to the Law School. In addition to consulting directly with the faculty member for these annual reviews, the

Dean shall consult with the faculty member's mentoring committee (described in paragraph c(viii), below).

During the last semester of the penultimate year of the faculty member's initial appointment, a reappointment review shall be undertaken by the Lateral Faculty Appointments and Promotion Committee. The review should include appraisals of the faculty member's teaching, scholarly achievement, research agenda, and other contributions to the Law School. Although opinions of scholars outside of the Law School community may be relevant to the review, outside letters need not be solicited. After the completion of the review, the Committee shall advise the Dean of its recommendation with respect to reappointment, and the Dean shall take the recommendation to the Faculty for its consideration and vote. If the Faculty votes in favor of the reappointment, the Dean shall inform the Provost, whose approval is required for reappointment.

If the Faculty has voted not to reappoint a faculty member, the Dean shall inform the Faculty member, and, if requested by the faculty member, shall provide him or her with a written statement of the reasons for the decision.

2. Upon approval by the Faculty and the Provost, an Assistant Professor, Associate Professor, or Professor on an initial appointment without tenure shall be reappointed for an additional term without tenure. In the case of an Assistant and Associate Professor, he or she shall be reappointed for a term of three years without tenure and, in the case of an Assistant Professor, promoted to the rank of Associate Professor. In the case of a Professor, he or she will be reappointed for a term of two years.
3. If the Dean concludes that it would be in the best interests of the Law School to pursue reappointment and promotion before the penultimate year of an initial appointment, the Dean may request consultation by the Lateral Faculty Appointments and Promotion Committee, which will ordinarily seek the advice of the candidate's mentoring committee.
4. Ordinarily during the first semester of the penultimate year of an Associate Professor's or an untenured Professor's additional term, the tenured members of the Lateral Faculty Appointments and Promotion Committee shall consider the Associate Professor or the untenured Professor for reappointment with indefinite tenure at the rank of Professor. (See paragraph c(vii) for contents of the Committee review.) After the completion of its consideration, the Committee shall advise the Dean of its recommendation with respect to reappointment, and the Dean shall take the recommendation to the Faculty for its consideration and vote. If the Faculty votes in favor of the reappointment, the Dean shall inform the Provost, whose approval is required for reappointment.
5. If the Faculty has voted not to reappoint a faculty member, the Dean shall inform the Faculty member, and, if requested by the faculty member, shall provide him or her with a written statement of the reasons for the decision.

6. With the consent of the tenure candidate and after consultation with the Lateral Faculty Appointments and Promotion Committee, the Dean may extend the time at which a non-tenured member of the Faculty shall be considered for reappointment with indefinite tenure. When the Dean grants such an extension, the term of the member concerned shall be extended by one year. The total length of a non-tenured faculty member's term is not to exceed seven years.
 7. A candidate shall be granted indefinite tenure only if he or she has demonstrated the qualities necessary for sustained excellence as both a teacher and a creative and productive scholar, looking to the future as well as the past. In making this decision, the Faculty may assess the quality of a candidate's teaching on the basis of student evaluations, class visitations, and/or such other techniques it deems appropriate; it may assess the quality of a candidate's scholarship only on the basis of his or her written work that is in a state of completion sufficient to satisfy reasonable standards of craftsmanship, and this written work must be sufficiently substantial to permit confident judgment by the Faculty in the matter. Other factors that may weigh in the decision are the extent, relevance, and significance of a candidate's contributions to legal education, law reform, public service, and the administration of justice. These standards may, however, be appropriately modified if it is intended and expected that a candidate's paramount function will be not directly to contribute to the teaching and scholarship missions of the Law School, but rather to perform in an ancillary capacity, as in the case of a head librarian; but in such a case, the granting of indefinite tenure shall not carry an entitlement to teach except and to the extent as may be specifically authorized by the tenured members of the Faculty.
 8. The Dean shall appoint a mentoring committee for each tenure-track member of the Faculty for the purpose of following the progress of the member toward promotion and/or tenure and advising the tenure-track member and the Dean of that progress.
 9. Except as noted in [Rules 4-1\(2\)](#) and [4-3\(1\)](#), all tenured and tenure-track members of the Faculty shall be entitled to participate in the governance of the school on all matters.
4. Appointment as Director of the Law Library and Research Professor of Law
- An appointment as Director of the Law Library and Research Professor of Law may be made by the Faculty to the person selected by the Dean to administer the Law Library if his or her educational and professional background qualify him or her, in the Faculty's judgment, to assume teaching responsibilities within the School. The incumbent shall teach courses in the curriculum on call of the Dean, subject to the authority of the Curriculum Committee.

Appointment as Research Professor will be made at a rank corresponding to that appropriate for a regular professorial appointment and may be held only as long as the individual serves as director of the Law Library. The appointment shall not

carry a right of indefinite tenure and shall be subject to formal review and renewal by the Faculty at five-year intervals. Such review shall be conducted by the Library Committee. At the request of the Dean, the Lateral Faculty Appointments and Promotion Committee may lengthen the interval for review to 10 years when the Faculty member has undergone at least one review for reappointment at the level of Research Professor.

A Research Professor shall be entitled to participate in the governance of the school on all matters except voting on tenure.

5. Appointment as Professor of Law for Untenured Dean Selected by the Provost

An appointment as Professor of Law may be made by the Faculty to the individual selected by the President and Provost as Dean of the Law School. In the event this individual is not awarded tenure under this rule, the appointment would be with all of the privileges and status of a tenured professor except that the appointment would be held only as long as the individual serves as Dean of the Law School plus three years.

2. Non-Tenure Track Faculty, Clinical Faculty, and Secondary Appointments in the Law School

1. Clinical Professor of Law

1. Appointment to the position of Clinical Professor of Law will be made of experienced attorneys of demonstrated skill and judgment who exhibit the ability to inculcate these characteristics in others. The primary work of Clinical Professors within the Law School is to contribute importantly to the teaching and service missions of the Law School. A Clinical Professor will generally be expected to maintain a full teaching load and, if teaching in a real client clinic, to ensure the regular operation of that clinic as required to meet the needs of its clients. While it is not expected that a Clinical Professor will contribute to the research mission of the Law School, it is expected that a Clinical Professor will demonstrate intellectual engagement and leadership in their fields of expertise and make other contributions to the Law School comparable to those expected of other members of the Faculty. To provide guidance with respect to the implementation of this rule, the Faculty has adopted [Policy 4-8](#), which addresses the meaning of the terms “excellence in clinical teaching” and “intellectual engagement and leadership” as they are used throughout this rule.
2. An initial appointment without the presumption of renewal to the position of Clinical Professor of Law shall be considered by either the Entry-Level Faculty Appointments Committee or the Lateral Faculty Appointments and Promotions Committee, at the Dean’s discretion. In its consideration of the appointment, the Committee shall consult with the Dean and the relevant Program Director. After the completion of its consideration, the

Committee shall advise the Dean of its recommendation regarding the appointment, and shall take the recommendation to the Faculty for its consideration and vote. For appointments without the presumption of renewal, the Committee's recommendation shall be based principally on its determination that the candidate has demonstrated the potential to achieve excellence in clinical teaching, its appraisal of the candidate's potential for intellectual engagement and leadership in the candidate's field, and its assessment of the candidate's potential to make other important contributions to the Law School. In making its determination, the Committee shall review a curriculum vitae, any available indicia of teaching skills, written comments provided by current members of the faculty (including, without limitation, from clinical faculty members), letters of reference, and a statement from the candidate that includes, without limitation, (i) a description of the course(s) the candidate will be teaching (including (a) the professional development objectives of the course, and (b) if applicable, client service objectives, plans for case selection, and case management strategies), and (ii) a discussion of the activities in which the candidate engages, or expects to engage, that evidence intellectual engagement and leadership in the candidate's field. Appointments of Clinical Professors will be made at ranks corresponding to those used for regular professorial appointments, albeit normally without tenure eligibility while holding a clinical appointment. An appointment without the presumption of renewal will ordinarily be made for terms of three years.

3. Ordinarily, during the first semester of the penultimate year of a Clinical Professor's initial appointment without the presumption of renewal, a review shall be undertaken by the Lateral Faculty Appointments and Promotions Committee to determine whether the candidate should be reappointed to a second three-year term without the presumption of renewal. This review should take into account appraisals of the candidate's progress with respect to the candidate's teaching, intellectual engagement and leadership in their field, the candidate's other contributions to the Law School, as well as a written Dean's report concerning the candidate. After completion of its consideration, the Committee shall advise the Dean of its recommendation regarding the reappointment, and shall take the recommendation to the Faculty for its consideration and vote. If the Faculty has voted not to reappoint a faculty member, the Dean shall inform the Faculty member, and, if requested by the faculty member, shall provide him or her with a written statement of the reasons for the decision. Under no circumstances shall a Clinical Professor serve more than two appointments without the presumption of renewal before then being considered for an appointment with the presumption of renewal.
4. Ordinarily, during the first semester of the penultimate year of a Clinical Professor's second appointment without the presumption of renewal, a review shall be undertaken by the Lateral Faculty Appointments and

Promotions Committee to determine if a Clinical Professor should be granted an appointment with the presumption of renewal. For a Clinical Professor's initial appointment with the presumption of renewal, the Committee's recommendation shall be based on its determination that the candidate has demonstrated sufficient progress towards achieving excellence in clinical teaching, as well as its appraisal of the Clinical Professor's non-clinical teaching (if applicable), professional service, evidence of intellectual engagement and leadership in their field, other contributions to the Law School, as well as a written Dean's report concerning the candidate. In making its determination, the Committee shall review the Dean's report, student evaluations of the course(s) taught by the candidate, written comments provided by former students in the clinical course assessing the candidate's teaching, written comments provided by faculty members, including clinical faculty, and at least three letters of reference solicited by the Committee from persons outside Duke Law School who are familiar with, and qualified to assess, the candidate. The Committee shall also review a statement from the candidate that includes, without limitation: (i) a self-assessment of the candidate's clinical and non-clinical (if any) teaching; (ii) an overview of the changes, if any, proposed for the clinical and non-clinical (if any) course(s) taught by the candidate; (iii) a discussion of the activities in which the candidate engages that evidence intellectual engagement and leadership in their field and how this work is expected to evolve, if at all, during the period of the reappointment; and (iv) a discussion of the other contributions to the Law School made by the candidate. The Committee may also seek the advice of the candidate's Mentoring Committee. After completion of its review, the Committee shall advise the Dean of its recommendation with respect to the candidate's initial appointment as Clinical Professor with the presumption of renewal, and shall take the matter to the Faculty for its consideration and vote. An appointment with the presumption of renewal shall ordinarily be for a term of five years.

5. During the first semester of the penultimate year of any of a Clinical Professor's initial appointment with the presumption of renewal or any subsequent renewal appointment thereafter, a reappointment review of a Clinical Professor shall be undertaken by the Lateral Faculty Appointments and Promotions Committee. All such reappointment reviews should include appraisals of the Clinical Professor's clinical teaching, non-clinical teaching (if applicable), professional service, evidence of intellectual engagement and leadership in the Clinical Professor's field, the candidate's other contributions to the Law School, as well as a written Dean's report concerning the candidate. In making its determination, the Committee shall not ordinarily be expected to receive or consider written comments from former students or letters of reference (whether from other members of the faculty or from persons outside the Law School). Unless there is good cause for non-reappointment, it is presumed that the Committee shall recommend that a Clinical Professor

holding an appointment with the presumption of renewal be reappointed when considered for any renewal term. Good cause for non-reappointment is defined as (i) substantial evidence that the candidate (a) has failed to demonstrate sustained excellence in the candidate's clinical teaching and sustained intellectual engagement and leadership in their field, as well as in the candidate's other service to the Law School, (b) in the case of a Clinical Professor teaching in a real client clinic, has not provided high quality supervision with respect to the legal work of the candidate's clinic, or (c) otherwise failed to meet high standards of competence and professionalism; (ii) the termination or material modification of the entire clinical program; or (iii) the termination or material modification of the clinic in which the Clinical Professor teaches. After the completion of the review, the Committee shall advise the Dean of its recommendation with respect to reappointment, and shall take the matter to the Faculty for its consideration and vote.

6. Any clinical instructor holding an appointment under Rule 4-3(2)(b) while also serving as the director of a clinic, and any legal writing instructor holding such an appointment while also serving as the Director of Legal Writing, shall be presumed to be eligible for consideration for an initial appointment without the presumption of renewal as a Clinical Professor under Rule 4-3(2)(a) within three years of the initial appointment under Rule 4-3(2)(b). Any clinical, professional skills, or legal writing instructor who is not also serving as the director of a clinic or as the Director of Legal Writing, but who holds an appointment pursuant to Rule 4-3(2)(b), may be considered for appointment as a Clinical Professor under Rule 4-3(2)(a) at any time at the discretion of the Dean.
7. To provide direction and advice to a Clinical Professor, the Dean shall conduct an annual review of the faculty member, including appraisals of the Clinical Professor's teaching, professional service, evidence of intellectual engagement and leadership in their field, and other contributions to the Law School. Additionally, to provide direction and advice to a Clinical Professor in advance of the Committee's consideration of the Clinical Professor for an initial appointment with the presumption of renewal, the Dean shall generally appoint a mentoring committee to work with the Clinical Professor (as described in paragraph (a)(viii), below). In addition to consulting directly with the faculty member for these annual reviews, the Dean shall consult with the Clinical Professor's mentoring committee while it is constituted.
8. Unless the Dean, the candidate, and the relevant Program Director determine that it is unnecessary, the Dean shall appoint a mentoring committee to work with a Clinical Professor during the term(s) of the Clinical Professor's appointment without the presumption of renewal. The mentoring committee shall follow the progress of the Clinical Professor toward promotion and advise the faculty member and the Dean of that progress. The mentoring committee shall include at least the relevant Program Director, one other Clinical Professor and one tenured or tenure-

track member of the faculty, preferably one who is knowledgeable about the Clinical Professor's field.

9. Except as noted in [Rule 4-1\(2\)](#), Clinical Professors shall be entitled to participate in the governance of the school on all matters other than voting on tenure and the appointment and reappointment of tenure-track Faculty; provided, however, that only Clinical Professors who have an appointment with the presumption of renewal shall be eligible to vote on the reappointment of Clinical Professors and Professors of the Practice.

2. Clinical Professor of Law (Teaching)

1. Appointment to the position of Clinical Professor of Law (Teaching) will be made of experienced attorneys of demonstrated skill and judgment who exhibit the ability to inculcate these characteristics in others through excellence in clinical teaching. The primary work of Clinical Professors (Teaching) within the Law School is to contribute importantly to the teaching mission of the Law School, particularly within the Law School's Legal Writing, Clinical, and Professional Skills programs. A Clinical Professor (Teaching) will generally be expected to maintain a full teaching load and, if teaching in a real client clinic, to ensure the regular operation of that clinic as required to meet the needs of its clients. To provide guidance with respect to the implementation of this rule, the Faculty has adopted Policy 4-8, which addresses the meaning of the term "excellence in clinical teaching" as it is used throughout this rule.
2. An initial appointment without the presumption of renewal to the position of Clinical Professor of Law (Teaching) shall be considered by the Professional Skills Appointments Committee. Such initial appointment shall typically be considered after two, one-year appointments as either a Lecturing Fellow or Senior Lecturing Fellow, as appropriate. In its consideration of the appointment, the Committee shall consult with the Dean and the relevant Program Director. After the completion of its consideration, the Committee shall advise the Dean of its recommendation regarding the appointment. At the request of the Committee, the Dean shall consult with the Committee on any specific decision on renewal. The Committee may refer any decision on renewal to the Governing Faculty for its final action. For appointments without the presumption of renewal, the Committee's recommendation shall be based principally on its determination that the candidate has demonstrated the potential for excellence in clinical teaching. In making its determination, the Committee shall review a curriculum vitae, any available indicia of teaching skills, written comments from the relevant Program Director, written comments provided by current members of the faculty (including, without limitation, from clinical, legal writing, and professional skills faculty members), and a statement from the candidate that includes, without limitation, a description of the course(s) the candidate will be teaching (including (a) the professional development objectives of the course, and (b) if applicable, client service objectives, plans for case

selection, and case management strategies). Appointments of Clinical Professors (Teaching) will be made at ranks corresponding to those used for regular professorial appointments, albeit normally without tenure eligibility while holding a clinical appointment. An appointment without the presumption of renewal will ordinarily be made for terms of three years. Under no circumstances shall a candidate for Clinical Professor (Teaching) serve more than four one-year appointments as Lecturing Fellow or Senior Lecturing Fellow before then being considered for an appointment without the presumption of renewal.

3. Ordinarily, during the first semester of the penultimate year of a Clinical Professor (Teaching)'s initial appointment without the presumption of renewal, a review shall be undertaken by the Professional Skills Appointments Committee to determine whether the candidate should be reappointed to a second three-year term without the presumption of renewal. This review should take into account appraisals of the candidate's progress with respect to the candidate's teaching, the candidate's other contributions to the Law School, as well as a written Dean's report concerning the candidate. After the completion of its consideration, the Committee shall advise the Dean of its recommendation regarding the reappointment, and shall take the recommendation to the Faculty for its consideration and vote. If the Faculty has voted not to reappoint the candidate, the Dean shall inform the candidate, and, if requested by the candidate, shall provide him or her with a written statement of the reasons for the decision. Under no circumstances shall a Clinical Professor (Teaching) serve more than two appointments without the presumption of renewal before then being considered for an appointment with the presumption of renewal.
4. Ordinarily, during the first semester of the penultimate year of a Clinical Professor of Law (Teaching)'s second appointment without the presumption of renewal, a review shall be undertaken by the Professional Skills Appointments Committee to determine if a Clinical Professor (Teaching) should be granted an appointment with the presumption of renewal. For a Clinical Professor (Teaching)'s initial appointment with the presumption of renewal, the Committee's recommendation shall be based on its determination that the candidate has demonstrated sufficient progress towards achieving excellence in clinical teaching, as well as its appraisal of the Clinical Professor (Teaching)'s non-clinical teaching (if applicable), professional service, other contributions to the Law School, as well as a written Dean's report concerning the candidate. In making its determination, the Committee shall review the Dean's report, student evaluations of the course(s) taught by the candidate, written comments provided by former students assessing the candidate's teaching, written comments provided by faculty members, including clinical faculty, and at least two letters of reference solicited by the Committee from persons outside Duke Law School who are familiar with, and qualified to assess, the candidate. The Committee shall also review a statement from the

candidate that includes, without limitation: (i) a self-assessment of the candidate's clinical and non-clinical (if any) teaching; (ii) an overview of the changes, if any, proposed for the clinical and non-clinical (if any) course(s) taught by the candidate; and (iii) a discussion of the other contributions to the Law School made by the candidate. After completion of its review, the Committee shall advise the Dean of its recommendation with respect to the candidate's initial appointment as Clinical Professor of Law (Teaching) with the presumption of renewal, and shall take the matter to the Faculty for its consideration and vote. An appointment with the presumption of renewal shall ordinarily be for a term of five years.

5. During the first semester of the penultimate year of any of a Clinical Professor of Law (Teaching)'s initial appointment with the presumption of renewal or any subsequent renewal appointment thereafter, a reappointment review of a Clinical Professor (Teaching) shall be undertaken by the Professional Skills Appointments Committee. All such reappointment reviews should include appraisals of the candidate's clinical teaching, non-clinical teaching (if applicable), professional service, the candidate's other contributions to the Law School, as well as a written Dean's report concerning the candidate. In making its determination, the Committee shall not ordinarily be expected to receive or consider written comments from former students or letters of reference (whether from other members of the faculty or from persons outside the Law School). Unless there is good cause for non-reappointment, it is presumed that the Committee shall recommend that a Clinical Professor (Teaching) holding an appointment with the presumption of renewal be reappointed when considered for any renewal term. Good cause for non-reappointment is defined as (1) substantial evidence that the candidate (a) has failed to demonstrate sustained excellence in the candidate's clinical teaching, as well as in the candidate's other service to the Law School, (b) in the case of a Clinical Professor teaching in a real client clinic, has not provided high quality supervision with respect to the legal work of the candidate's clinic, or (c) otherwise failed to meet high standards of competence and professionalism; (2) the termination or material modification of the entire clinical, legal writing or professional skills program; or (3) the termination or material modification of the particular program or course in which the Clinical Professor teaches. After the completion of the review, the Committee shall advise the Dean of its recommendation with respect to reappointment, and shall take the matter to the Faculty for its consideration and vote.
6. To provide direction and advice to a Clinical Professor (Teaching), the relevant Program Director shall conduct an annual review of the faculty member, including appraisals of the faculty member's teaching, professional service, and other contributions to the Law School and provide a report to the Dean.
7. Clinical Professors (Teaching) shall be encouraged to participate fully in the mission and life of the Law School and eligible to serve on committees

and attend all faculty meetings designated by the Dean as general business faculty meetings.

3. Professor of the Practice of Law

1. Appointment to the position of Professor of the Practice of Law at the rank appropriate for a regular professorial appointment may be made for individuals with distinguished legal practice experience who carry a full teaching load and whose professional activities outside teaching focus on relevant areas of practice without the usual expectations of scholarship. An exception to the requirement of a full-time teaching load may be made for those holding a joint appointment at a comparable rank in another school within the University. An initial appointment shall ordinarily be for a period of three years.
2. An initial appointment to the position of Professor of the Practice of Law shall be considered by either the Entry-Level Faculty Appointments Committee or the Lateral Faculty Appointments and Promotion Committee, at the Dean's discretion. After the completion of its consideration, the Committee shall advise the Dean of its recommendation regarding the appointment, and the Dean shall take the recommendation to the Faculty for its consideration and vote. For initial appointments, the Committee shall review a curriculum vitae, student evaluations and other indicia of teaching skills, a representative sample of the candidate's publications, if any, and letters of reference.
3. Appointments are for the initial term only unless the Dean recommends renewal. If the Dean wishes to renew the appointment of a Professor of the Practice of Law, the Dean shall notify the Lateral Faculty Appointments and Promotion Committee and the Governing Faculty that a review has been commenced, and shall solicit comments. All such comments shall be incorporated in a written Dean's report, which shall be submitted to the Committee for consideration in its review of the renewal. After the completion of the review, the Committee shall advise the Dean of its recommendation with respect to reappointment, and the Dean shall take the matter to the Faculty for its consideration and vote.
4. In conducting the review of any proposed renewal, the Dean and the Lateral Faculty Appointments and Promotion Committee shall generally follow the procedures for the review of tenure track faculty, and shall also meet the requirements of the University review applicable to such appointments.
5. The procedures for promotion from Assistant to Associate Professor of the Practice of Law, and from Associate to full Professor of the Practice of Law, shall generally follow the procedures for the review of tenure track faculty, and shall also meet the requirements of the University review applicable to such appointments.
6. Except as noted in [Rule 4-1\(2\)](#), Professors of the Practice of Law shall be entitled to participate in the governance of the school on all matters other than voting on tenure and the appointment and reappointment of tenure-

track Faculty; provided, however, that only Professors of the Practice of Law who have been appointed to a renewal appointment shall be eligible to vote on the reappointment of Clinical Professors and Professors of the Practice of Law.

4. Visiting Professorial Appointments

Absent exceptional circumstances, visiting appointments made for the purpose of evaluation of the candidate for possible appointment to the faculty shall be made by the Dean in consultation with the Lateral Faculty Appointments and Promotion Committee, which shall identify such candidates through procedures adopted to ensure examination of the academic field or other definition of relevant alternative candidates.

5. Joint Appointments

An instructor holding a primary appointment in another division of the University may simultaneously hold a secondary appointment of professorial or non-professorial rank in the Law School, provided that a candidate shall in no case be granted an indefinite term if he or she does not already have indefinite tenure in his or her primary appointment. Such an appointee shall have a standing invitation to attend faculty meetings and to participate in deliberations as a non-voting member, and shall be eligible for appointment by the Dean to standing or ad hoc committees of the School.

6. Initial Appointment and Periodic Review of Other Non-tenure-track Faculty and Joint Appointments

1. Non tenure-track instructors may be appointed by the Dean with the following titles (supplemented with descriptors -- e.g., of Legal History, of Criminal Law -- as appropriate):

1. Adjunct Professor of Law (at the rank appropriate for a regular professorial appointment), for part-time instructors from outside the Law School with regular academic appointments elsewhere;
2. Lecturer in Law (with the Senior rank awarded ten years after receipt of a law degree), for law-trained library personnel teaching courses approved by the Curriculum Committee other than or in addition to legal research;
3. Lecturing Fellow in Law (with the Senior rank awarded ten years after receipt of degree), for (a) law-trained library personnel teaching Legal Research; (b) fixed, short-term appointments in the clinical, professional skills, or legal writing program; (c) instructors from outside the Law

2. Initial appointments shall be made by the Dean, and renewals will be in the Dean's discretion, with comments and recommendations solicited from the relevant Program Director and faculty committees. Except as otherwise provided, appointments and decisions on renewal will not be submitted to the full Faculty for approval. The Dean shall continuously monitor the performance of non-tenure track faculty, and shall conduct a

review of such instructors' performance every three years. The periodic reviews by the Dean should normally include a curriculum vitae and student evaluations or other indicia of teaching skills, as well as any other material considered relevant.

The Director of the Law Library will appoint and review the performance of the Director of Research Instruction. The Director of Research Instruction will review the teaching performance of librarians who instruct in legal research under the supervision of the Director of the Law Library. Instructors in the First-Year Writing Program will be reviewed by the Director of Legal Writing, under the supervision of the Dean.

Instructors in the clinical programs supervised by the directors or team leaders shall be reviewed by the relevant Program Director under the supervision of the Dean.

Judges and practitioners in special team-taught courses such as Legal Ethics and Appellate Practice shall be selected by, and may be reappointed by, the faculty member in charge of each program after consultation with the Dean.

Language instructors shall be selected by, and may be reappointed by the Dean upon the advice of the Dean for International Studies.

3. If the Dean wishes to submit for consideration a proposal for a new course to be taught by a new instructor, the course proposal as well as the proposed instructor's qualifications to teach the course should be reviewed by the Curriculum Committee. If the Dean recommends the renewal of the appointment of a new instructor teaching a new course after the first year in which it is taught, the Curriculum Committee should conduct a review of the course before the Dean renews the instructor's contract. The review should include a curriculum vitae, student evaluations or other indicia of teaching skills and a brief report of the Dean.
4. Secondary Appointments from other Departments at Duke University or Other Universities
 1. Proposals for initial secondary appointments shall be reviewed by the Lateral Faculty Appointments and Promotion Committee. After the completion of its review, the Committee shall forward any positive recommendation to the Dean, who shall then take it to the Governing Faculty for its consideration and vote. If the Faculty votes in favor of the appointment, the Dean shall inform the Provost, whose approval is required for appointment. For initial appointments, the file of the primary department or school should be used, where available. Where not available, the Committee should review the curriculum vitae, student evaluations or other indicia of teaching skills, at least one or two publications, one or two references and a brief report of the Dean. An initial

appointment shall ordinarily be made for a period of three years. Subsequent reappointments may be for three years or for a longer term.

2. Review after a three-year initial appointment shall be conducted by the Dean, and should normally include a curriculum vitae and student evaluations or other indicia of teaching skills as well as any other material considered relevant. Consideration shall also be given to the institutional contributions the faculty member in question has made to the Law School.
3. As part of any review after the initial appointment, the Dean shall notify the Lateral Faculty Appointments and Promotion Committee and the Governing Faculty that a review has been commenced, and shall solicit comments. All such comments shall be incorporated in a written Dean's report to accompany the decision on renewal. Except as provided in (b)(iv), the Dean may act on behalf of the Law School in renewing a secondary appointment without action of the Governing Faculty.
4. The Dean shall convey decisions on renewal to the Lateral Faculty Appointments and Promotion Committee before making them final, together with a written report, and may consult with the Committee before making those decisions final. At the request of the Committee, the Dean shall consult with the Committee on any specific renewal decision. The Committee may refer any decision on renewal to the Governing Faculty for its final action.
5. After Law School action on an appointment or renewal, the recommendation to appoint or renew shall be submitted to the Dean or department chair of the faculty member's primary department or school.

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