

## **Baylor Law School Tenure Policy**

Approved by Office of the Provost, April 1, 2010; approval renewed April 5, 2021  
James Bennighof, Vice Provost for Faculty Affairs

### **Law School Mission and Tenure Expectations**

The practice of law is one of the consummate service-oriented professions. Dedication to the rule of law preserves fundamental freedoms, establishes a fair and just society, and fosters peaceful resolution of the conflict that is an inevitable part of life. Baylor Law School, first and foremost, is committed to serving this noble and honorable profession by producing meticulously trained, highly skilled, and ethically attuned lawyers. This “professional model” of legal education seeks to instill in each of our graduates the degree of professional competence and ethical awareness necessary to be of genuine service to their future clients and to the profession. This service-oriented emphasis on legal education both supports and is inspired by the Christian mission of Baylor University.

### **Teaching**

As a consequence of the school’s profession-oriented mission, both the development of substantial teaching skills and a sincere commitment to students are indispensable to earning tenure at Baylor Law School. The law school’s mentoring program ensures not only that tenured faculty members observe and critique the teaching methods of untenured faculty members, but also that untenured faculty members visit the classrooms of tenured faculty members. An annual peer review process allows tenured faculty to meet with the tenure candidate to consider the candidate’s self-evaluation of teaching progress, including a discussion of course development, student evaluations, and other reflections of the candidate’s strengths and weaknesses as a teacher.

Given the law school’s heavy teaching load (the heaviest annual average course load among top tier institutions), as well as the virtual “year-round” impact of the law school’s quarter system (which results in the obligation to evaluate student performance in greater frequency and volume than at other top law schools), teaching-related qualities will be the most important consideration in the decision whether to grant tenure to a member of the law faculty. Teaching-related qualities to be considered include effectiveness as a classroom teacher; effectiveness in one-on-one instructional opportunities that would reasonably be expected to arise given the faculty member’s teaching assignments; effectiveness in “courtroom instruction” for those faculty members who are assigned (or who volunteer for) such tasks; and availability for, and receptiveness to, meeting and counseling students on matters reasonably related to the law school’s professional mission. Because Baylor Law School’s professional approach to legal education reasonably requires tenure-track faculty members to spend at least 50% of their professional time fully engaged in teaching-related activities, an applicant for tenure should expect that this factor will be weighted accordingly in the tenure decision.

## **Scholarship**

Baylor Law School expects its faculty members to be routinely involved in *meaningful* scholarly endeavors, and is therefore committed to promoting and rewarding *meaningful* legal scholarship. Although scholarly activities will comprise the second weightiest consideration in the tenure decision, the pursuit of scholarly activities should support (and never undermine) the law school's primary professional mission. "Meaningful legal scholarship" is to be broadly understood, and would certainly include 1) work that impacts, or that has a realistic potential to impact, the ongoing evolution of the law, such as legislative drafting or an article critiquing a particular legal doctrine; 2) work that aids, or that has a realistic potential to aid, judges wrestling with real legal disputes, such as an article explaining the existing analytical framework for resolving a particular type of contemporary legal problem; 3) work that assists, or that has a realistic potential to assist, a lawyer in competently representing clients with a particular type of legal problem, such as a legal treatise or a professional article focusing on the practical application of the law; 4) work that focuses on and is likely to promote the development and/or refinement of lawyering skills; 5) work that focuses on and is likely to promote the reinforcement of high ethical standards of legal practice; and 6) work, such as authoring a legal brief, that directly contributes to its author's ability to advance Baylor Law School's mission of preparing its students to practice law at the highest levels of ethics, competence, and professionalism.

Therefore, in regard to the tenure decision, the law school is committed to rewarding its faculty for scholarship, as well as professional activities, that meaningfully contribute to the improvement of the legal profession, the advancement of legal education, and the development of competent, ethical professionals. This commitment is deliberately stated in order to ensure that Baylor Law School plays a leading role in producing and increasing the amount of practical scholarship available to the academy, the judiciary, the practitioners, and the public as a whole. Because the law school's serious commitment to producing meaningful legal scholarship would reasonably require tenure-track faculty members to spend approximately 30% of their professional time in meaningful scholarly endeavors, an applicant for tenure should expect that this factor will be weighted accordingly in the tenure decision.

Although all scholarly endeavors that meet the aforementioned definition of "meaningful legal scholarship" will count toward tenure, there is one absolute minimum requirement. A law school tenure candidate, by the time of his/her application for tenure, *shall* have completed and have accepted for publication, if not already published, three scholarly articles. For purposes of this absolute minimum requirement, "scholarly article" is more narrowly defined than the earlier description of "meaningful legal scholarship." Thus, the Law School defines a "scholarly article" to include:

- (1) an article, published in a law review of an ABA-approved law school, dealing with the theoretical and/or practical application of the law in a

specific legal discipline, including articles dealing with lawyering skills and ethical issues;

- (2) an article, published in a professional journal or publication, dealing with the theoretical and/or practical application of the law in a specific legal discipline, including articles dealing with lawyering skills and ethical issues;
- (3) an article written for and published by a state, regional or nationwide conference or symposium at which the tenure candidate was invited to participate in a formal presentation or lecture;
- (4) a book or treatise, published by a recognized legal publisher, dealing with the theoretical and/or practical application of the law in a specific legal discipline, including articles dealing with lawyering skills and ethical issues (depending on its length, quality, and complexity, as well as the portion of the work authored by the tenure candidate in the event of a multi-authored work, the Law School Promotion and Tenure Committee shall determine if such book or treatise should be accorded weight greater than that normally attributed to a single scholarly article).

As with teaching, the annual review process will attempt to clarify the candidate's progress in regard to these specific tenure-related scholarship requirements.

### **Service**

The third most significant consideration in the tenure decision is service – to the law school, to the University, to the larger community, and to the profession. Thus, service on committees and boards, volunteerism (legal or otherwise), or other activities displaying a personal “investment” in the aforementioned communities, are directly relevant to the tenure decision. Although the tenure candidate has substantial discretion in choosing the particular type(s) of community service pursued, all tenure candidates must, as part of this service component, be actively and meaningfully involved in a local church that is grounded in the Judeo-Christian religious traditions. Because the law school's commitment to service would reasonably require a tenure-track faculty member to spend approximately 20% of their professional time in meaningful service-oriented endeavors, an applicant for tenure should expect that this factor will be weighted accordingly.