

CUNY Law School Rocked by Battle Over Tenure for 2

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Body

A bitter tenure fight at the law school of the City University of New York threatens the existence of its innovative and experimental approach to legal education, according to faculty and students who claim two professors are being fired because of the Queens school's low passing rate on the state bar exam.

The two professors, Vanessa Merton and Homer LaRue, and four other faculty members had been recommended for tenure last fall by an internal law school committee, the law school dean and a committee at Queens College, home of the experimental school. However, before final tenure approval was given by CUNY, the state released bar exam results showing a dramatic drop in the pass rate for the school's second graduating class.

Only 30 percent of the graduates passed the July, 1987, test, compared with a statewide pass rate of 73 percent for first-time takers. The first class, in 1986, had a better record with 56 percent passing but it was still below the statewide rate.

In late November, shortly after the bar scores were made public, Queens College President Shirley Strum Kenny rejected the recommendations of tenure for all six. In her letter to the committee, she remanded their cases back for another evaluation on the basis of "teacher effectiveness." After the second review, all but LaRue were recommended for tenure a second time. Kenny again refused tenure to Merton as well as LaRue. Both are professors who were members of the original faculty at the 5-year-old school in Flushing.

A final decision on the retention of Merton and LaRue is expected from CUNY Chancellor Joseph Murphy within the next two weeks, according to Ron Cannava, a spokesman for Queens College. If they don't win tenure, their contracts will not be renewed. Cannava said CUNY officials were advised by their lawyers not to discuss the tenure situation or even to identify the faculty members involved. Law school dean Haywood Burns, who has sent a separate recommendation of tenure approval to the chancellor, declined to comment. Merton and LaRue also declined to discuss their situations.

The dispute has attracted nationwide attention from the legal community because of CUNY law school's radically different approach to teaching and learning. "I suspect they [CUNY officials] are using the bar-exam results to destroy CUNY's long-term goal of using law in the service of human needs," said Daniel Greenberg, director of clinical programs at Harvard Law School, referring to traditionalists' opposition to the experimental approach.

CUNY is one of only two schools in the nation whose purpose is to train public-service lawyers. The student body is composed of a higher percentage of women and racial minorities who are generally older and less affluent than those at other schools. Instead of the established teaching method using textbook and lectures, the approach at CUNY is for hands-on learning with a strong emphasis on clinical programs and field work.

"There is the feeling that the university is having second thoughts about whether a nontraditional school is going to make it," said David Pugh, a second-year student. "These two professors are being scapegoated for that," he said.

"There is no way they can dump at the feet of two professors the problem with the bar passage rate," said Rose Morgan, a third-year student, who is actively supporting the two professors.

Both the Society of American Law Teachers and the American Association of Law School Teachers have decided to support the professors and have written letters on their behalf to CUNY officials.

"We emphatically urge that tenure not be denied out of a sense of frustration at the high proportion of CUNY law school graduates who failed to pass the recent New York bar. While this is a matter for serious concern, denying tenure to outstanding teachers is exactly the wrong way to address it," wrote the Society of American Law Teachers.

Several CUNY faculty members, who declined to be quoted by name, noted that five of the six tenured members of the faculty are white males. Burns, who is black, received tenure in connection with his appointment as dean. The four faculty members who are likely to receive tenure this month include two white men, a white woman and an Indian man.

"The reality that Homer is black and Vanessa is a woman is a significant one," said Greenberg, formerly a public interest lawyer in New York who is familiar with the school and its faculty.

Graphic

Photos-1) Above, Queens College President Shirley Strum Kenny; 2) at left, Vanessa Merton and 3) Homer LaRue. 4) Photo-Haywood Burns