

CUNY Law School Faculty Group Files a Suit on Two Denied Tenure

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Body

The faculty of the City University of New York Law School sued the university's Chancellor yesterday in a dispute over the denial of tenure to two faculty members who were influential in developing the school's unorthodox curriculum.

The lawsuit was filed in State Supreme Court in Manhattan by all but 2 of the 35 professors and librarians who have gained tenure or are to be considered for it. The suit charges that the Chancellor, Joseph S. Murphy, violated university bylaws in rejecting tenure for the two professors and that his action "jeopardizes the very existence of the law school."

The CUNY Law School, the only publicly supported law school in New York City, has drawn national attention since it opened in 1983. Its curriculum represents a drastic departure from the course selection typical of most law schools since the 1870's.

Hands-on, practical experience is emphasized at CUNY, rather than the study of precedent-setting cases and the Socratic teaching method. Among its stated goals are to turn out lawyers committed to government and other public service and to bring more women and members of racial minorities into the profession. Nearly 40 percent of its students are members of racial minorities; 60 percent are women. Its faculty is just as diverse. But, since a large majority of the school's 1986 and 1987 graduates failed to pass the state bar examination on their first attempt, pressure has increased to make dramatic changes in the curriculum and in admissions policy. Fewer than 30 percent of the 1987 CUNY graduates passed the exam that was administered last July, far below the 65 percent statewide who passed.

Among those who have suggested that changes be made are Chancellor Murphy and Shirley Strum Kenny, president of Queens College, where the law school is situated.

Against this backdrop, the future of six faculty members - four teachers and two librarians - has been under consideration since last summer. Haywood Burns, the law school dean, and a joint Queens College-law school faculty review committee recommended last fall that the university trustees grant tenure to all six. But in December, citing concerns about "teacher effectiveness," the Chancellor and the college president notified all six that they would recommend against tenure.

Upon reconsideration, however, President Kenny said she would recommend that tenure be granted to all but two, Homer LaRue and Vanessa Merton, both teachers. The Chancellor concurred; on Monday he is to ask university trustees to grant tenure to the two remaining teachers, Rhonda Copelon and Dinesh Khosla, and the two librarians, William Mills and Bettie Scott.

'Scapegoat for the Bar'

In a statement issued yesterday, the faculty members asserted that "the university has arbitrarily made two of the six a scapegoat for the bar." They also suggested that the "real agenda" of university officials may be to appease "influential people within and outside CUNY who have never subscribed to the progressive or innovative goals of this institution."

In addition, the statement asserted that "racism - frank or subtle, conscious or unconscious - is a factor" in the rejection of Professor LaRue, a specialist in labor law who is the first black on the teaching faculty to be considered for tenure.

Mr. Burns, who is black, was granted tenure when he was hired as dean last summer.

Citing university policy that prohibits comment on pending litigation, Chancellor Murphy, President Kenny and Dean Burns all declined to comment on the lawsuit. But Jay Hershenson, a university spokesman, said, "It is the university's view that the application of rigorous academic standards for the awarding of tenure enhances the educational mission of the law school."

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