

October 25, 1982

Adopted by
the Fac
11-5-82
Effective
11-15-82

Statement on Faculty Consulting and Other
External Activities

1. Paramount Obligations.

A full-time member of the Faculty of Law has a paramount commitment to the University and the Law School.¹ Each faculty member must arrange and limit external activities, whether gainful or not, so that they do not interfere with his/her paramount obligations as a teacher, scholar, and colleague.² (The University encourages public service but even such service, whether or not compensated, must not interfere with the faculty member's paramount obligations.) A faculty member must be particularly concerned to assure that external activities do not significantly impinge on the member's obligation to scholarship. Even if the faculty member meets his/her classes regularly, any commitment that involves frequent or extended absence from the Law School during the academic year interferes with a faculty member's paramount obligations.

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1. In Appendix A are statements setting forth a faculty member's obligations to the University.
 2. A faculty member's obligations as a colleague include intellectual collegiality, attendance at faculty colloquia and Law School lectures, as well as participating in the governance of the Law School through faculty and committee deliberations.

2. Consulting and Other External Activities

(a) It is not improper for faculty members to engage in consulting or other external activities so long as these do not interfere with their paramount obligations (including continuing and significant research and writing). The involvement of a faculty member in such activities, whether public or private, may serve the professional development and reputation of the faculty member, and sometimes also the public good, and, in general, reflect favorably on the Law School. Subject to compliance with a faculty member's paramount obligations and with the University's rules,³ the nature and extent, if any, of external activities are left to a faculty member's judgment and discretion.

(b) Lucrative⁴ consulting and other lucrative external activities should, however, be restricted. The Law School's rule is that lucrative consulting and other lucrative external activities should be limited to no more than an average commitment of one day a week during the year, i.e., no more than 52 days in a calendar year. In general, a faculty member is encouraged to

3. The University's Faculty Handbook, page 33, provides:

"Any outside interests or employment, including outside consulting work, undertaken by an officer of instruction during the academic year should be limited to no more than an average commitment of one day a week."
See Appendix A.

4. "Lucrative" means payment at a rate in excess of the prevailing GSA general maximum rate for consultants to the Federal Government (now approximately \$200 per day).

limit such activities to the summer and vacation periods rather than when classes are in session. When such activities are pursued during the academic year, a faculty member is encouraged to engage in such activities at the Law School rather than elsewhere.

(c) External activities should not significantly inhibit a faculty member's ability to publish freely, or impair the objectivity and integrity of a faculty member's scholarship.⁵

3. "Of Counsel" and Similar Relationships.

Subject to Paragraphs 1 and 2 above, a faculty member may establish a "of counsel" or similar regular relationship to a law firm or other entity. Where such a relationship involves lucrative consulting or other lucrative external activities, a faculty member should not use, or authorize the use of, his/her professorial title or University affiliation in connection with the relationship. In general, a faculty member should make reasonable efforts to avoid publicity with respect to such lucrative "of counsel" or similar regular relationship.⁶ Any such relationship, whether or not lucrative, should include an understanding that the faculty member is free to refuse to serve at a particular time, or on a particular matter.

5. This provision is not violated by limited and reasonable restrictions on publication required by the principles of professional responsibility (e.g., confidentiality, avoidance of conflict of interest).

6. The publicity to be avoided includes notices of affiliation, appearance of the faculty member's name on a firm letterhead, or the firm's name on the faculty member's calling card.

4. The Responsibility of the Dean.

(a) The Dean shall monitor compliance with the provisions of this Statement. In his/her discretion, the Dean may require the Faculty, or individual members, to keep the Dean informed of the nature and extent of consulting and other external activities.

(b) In compelling circumstances in a particular case, the Dean may make an ad hoc exception to the application of provisions of this Statement. In deciding whether or not to make an exception, the Dean should consider the extent to which the external activities:

- (1) will interfere with the faculty member's paramount obligations;
- (2) will enhance a faculty member's professional development in his/her field of scholarly interest;
- (3) may properly be characterized as public service.

(c) Questions concerning the interpretation of this Statement or its application to specific situations, and requests for exceptions, should be directed to the Dean.

5. Applicability.

The provisions of this Statement are applicable to all full-time members of the Faculty of Law as well as to visiting professors. The provisions of section 2(b) limiting lucrative activities apply as well to full-time faculty on sabbatical leave.⁷

6. This Statement largely codifies existing practice at the Law School, but insofar as it is not already in effect, is effective as of November 15, 1982.

7. Nothing in this Statement shall be deemed to preclude the Dean from requiring that a member of the faculty refrain from or reduce external activities otherwise permitted by this Statement when the faculty member is on special "research leave."