

**Appointments, Promotions and Tenure Committee**  
**RE: Professor Dawn Martin**

During the 1996/97 academic year, the APT Committee made several recommendations involving Professor Dawn Martin, Professor Lateef Mtima, and Professor e. christa cunningham. I believe the summary of the decisions discussed below properly reflects the procedures the Committee followed and the rationale for each decision.

The APT Committee decisions to fill tenure track positions affecting Professor Martin were the result of unanimous votes of the entire Committee. The Committee members were Professor Isiah Leggett, Chair, Professors Homer LaRue, Laurence Nolan, J. Clay Smith, and Andrew Taslitz. Among other duties, the Committee had the responsibility to fill a number of tenure track faculty positions for the fall 1997 academic year. The Committee advertised to fill the following two positions initially affecting the aforementioned professors:

“A tenure track faculty position with primary teaching responsibilities in the areas of sales and secured transactions, commercial paper, bankruptcy, and other courses to be assigned.”

“A tenure track faculty position with primary teaching responsibilities in the areas of labor law, collective bargaining, and other courses to be assigned.”

The Law School participated in the Association of American Law School's 1996 annual recruitment conference held each fall in Washington, D.C. Through this conference, the Committee initially interviewed at least eight applicants for the commercial law position. Four candidates, all from outside the Law School, were recommended for follow-up interviews. Professor Mtima was among the four candidates interviewed by the APT Committee at the recruitment conference and was asked to participate in follow-up interviews with other faculty members, students and the law school's administrative staff. Professor Martin, a visiting member of the law school faculty at that time, did not apply for this tenure track position.

During the same 1996 annual recruitment conference, the Law School also interviewed a number of applicants for the labor law, collective bargaining and other subject matter courses for a second tenure track position. Two candidates interviewed by the APT Committee at the conference were asked to participate in follow-up interviews at the law school. Professor Martin and Professor cunningham, both visiting professors at the law school during this period, also applied for this position.

The primary focus for review of these applicants and all applicants seeking a tenure track position on the law faculty is an evaluation of the applicant's credentials consistent with the academic needs of the law school both for the short term and the future. The Committee evaluates each applicant's overall interest in teaching at Howard



University Law School and the contributions they might make to assist the University to achieve its mission. In addition, the applicant's teaching interests and subject matter expertise as well as contributions they might make to their respective fields of endeavor are assessed. The Committee also evaluates academic scholarship, publications, and other research contributions by the applicant, including what they have already submitted and are likely to undertake in the future. The Committee further evaluates teaching proficiency and effectiveness, both in and outside the classroom. Service to the legal profession, Howard University, and the general community is analyzed as well.

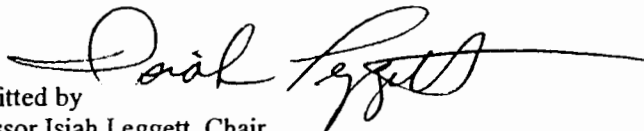
Professor Mtima was rated by all of the participants in the follow-up interviews as the superior candidate for selection to a tenure track position concentrating in commercial law. Due to the difficulty of obtaining adequate course coverage for instructional support in this area, the Law School had relied on a number of adjunct professors to teach many of the basic commercial law courses. Professor Mtima provided the law school the unique opportunity to fill this important position with an experienced professional having commercial law interest. Professor Mtima's commercial litigation experience in virtually every area of commercial law placed him ahead of the other three candidates interviewing for this position. He had worked for an extended period as an associate with the firm of Coudert Brothers on bankruptcy and creditors' rights, copyright, trade and unfair competition and other general commercial law litigation matters. Immediately prior to his selection for a tenure track position at Howard, Professor Mtima worked for the firm of Klehr, Harrison, Harvey, Branzburg & Ellers with a practice emphasis on similar commercial law issues. In addition, Professor Mtima had extensive teaching experience in continuing legal education and also authored a variety of instructional material for those engaged in commercial litigation. The APT Committee unanimously recommended Professor Mtima as the best applicant interviewed by the Committee for a tenure track position at the rank of Associate Professor.

Professor Martin and Professor Cunningham were among the four candidates applying for the second tenure track position covering labor law, collective bargaining and other general course subjects. The four applicants participated in the interview process with the APT Committee, students, staff and other members of the faculty at the law school. All of the four candidates applying for the labor law and general course subject matter concentration were found to be quite competent as teachers and capable of fulfilling the Law School's instructional needs in this area. Students participating in the process appeared to be mixed in their preference of Professor Martin and Cunningham. The Committee did receive a petition from a number of students asking that we select Professor Martin for the position. Individual faculty members who participated in the process clearly favored Professor Cunningham, primarily for her academic vigor, research and publication abilities and potential for exceptional growth as a scholar. Professors Martin and Cunningham were both viewed favorably regarding service to the legal profession, the community, and the University.

The APT Committee unanimously recommended Professor Cunningham for the position. The Committee's decision was based on a number of important factors.

Although Professor Martin had been involved in the legal profession longer, the quality of her academic and scholarly production was viewed by the members of the faculty and the APT Committee to be less substantive than Professor Cunningham's research and publication potential. For example, Professor Cunningham graduated Summa Cum Laude from Southern Methodist University in 1989, and she was a senior editor of the Yale University Law Journal. She had already published one article as a student and did extensive legal research in her position as a clerk for U. S. District Court Judge Constance Baker Motley.

During her initial visit to Howard, Professor Cunningham was able to actually publish another article, and she made a very favorable impression on the Committee with the vast amount of work she had accomplished on a variety of other research and publications projects in process. Professor Martin did not complete a publication during the same visitation period at Howard. When viewed in the totality of all the factors the Committee employed to select the candidate for this tenure track position from among the four applicants, we concluded that Professor Cunningham was the person who displayed the greatest potential and was the best qualified for the recommendation for appointment.



Submitted by  
Professor Isiah Leggett, Chair  
Appointments, Promotions, Tenure Committee  
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