

Levin College of Law
Office of the Dean

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Interim Dean and Levin, Mabie & Levin Professor of Law

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January 16, 2024

MEMORANDUM

TO: Full-Time Faculty, Levin College of Law

FROM: Merritt McAlister, Interim Dean

RE: Faculty Meeting Agenda, Tuesday, January 23, 2024

Our seventh Faculty Meeting of the 2023-2024 academic year will take place in the Faculty Lounge on the third floor of Holland Hall on Tuesday, January 23, 2024. The meeting will begin at noon and will end no later than 1:30 p.m.

The agenda is as follows:

1. Action Item: Approve Faculty Meeting Minutes for December 1, 2023, attached (Dean McAlister)
2. Action Item: Recommendation from Tenure Track Appointments Committee to present Ela Leshem as a candidate. Supporting documents in Canvas. (Lyrisa Lidsky, Chair)
3. Information Item: Academic Standards upcoming brownbag (Fenster, Chair)
4. Information Item: Grade Submission Norms (Dean McAlister)
5. Action Item: Approve recommendation from Curriculum Committee to make permanent the Florida Entertainment and Sports Law Review, Professor Arnow-Richman, faculty advisor. (Luke & Erez-Navot, Co-Chairs)
6. Action Item: Approve the creation of a new transactional clinic (Luke & Erez-Navot, Co-Chairs)
7. Information Item: Update from Faculty Council on recommended changes to the Faculty Rules and Procedures Manual (Wright, Faculty Council)

Please note that candidate voting will take place electronically on after the meeting.

If you are unable to attend, please contact Peter Molk, who will discuss available options. Otherwise, I look forward to seeing you.

UF Levin College of Law Faculty Meeting Minutes
December 1, 2023, 12:00 noon

PRESENT: Yariv Brauner, Juan Caballero, Dennis Calfee, Charles Collier, Donna Erez-Navot, Barbara Evans, Mark Fenster, Ben Fernandez, Christopher Hampson, Thomas Hawkins, Matthew Kim, Elizabeth Lear, Lyrissa Lidsky, Sabrina Lopez, Lynn Lopucki, Charlene Luke, Pedro Malavet, Jonathan Marshfield, Merritt McAlister, Jon Mills, Peter Molk, Lars Noah, Jane O'Connell, Robert Rhee, Katheryn Russell-Brown, Joan Stearns Johnsen, Stacey Steinberg, Derek Wheeler, Steven Willis, Michael Wolf, Sarah Wolking, Danaya Wright, Wentong Zheng

PRESENT ON ZOOM: Rachel Arnow-Richman, Derek Bambauer, Julian Cook, Bill Hamilton, David Hasen, Zachary Kaufman, Amy Stein

NOT PRESENT: Annie Brett, Neil Buchanan, Karen Burke, Judy Clausen, Lisa De Sanctis, Teresa Drake Donna Eng, Thomas Haley, Kristen Hardy, Berta Hernandez-Truyol, Mindy Herzfeld, Jiaying Jiang, Benjamin Johnson, Lea Johnston, Elizabeth Katz, Heather Kolinsky, Tracey Maclin, Grayson McCouch, Timothy McLendon, Silvia Menendez, Paige Snelgro, John Stinneford, Lee-Ford Tritt, Jennifer Zedalis

Meeting called to order at 12:08 pm

1. Approve Faculty Meeting Minutes for November 17, 2023

Interim Dean McAlister presented, and faculty considered the faculty meeting minutes for November 17, 2023.

Outcome: Minutes were approved.

2. Action Item: Emeritus Status, Professor Jon Mills (Dean McAlister)

Interim Dean McAlister presented Professor Jon Mills for Emeritus status. Professor Mills spoke along with fellow faculty members.

Outcome: Status was approved.

3. Action Item: Recommendation of Adam Lebovitz for courtesy appointment. (Dean McAlister)

Interim Dean McAlister presented, and faculty considered Adam Lebovitz for courtesy appointment.

Outcome: Appointment was approved.

4. Information only: Non-Tenure Track Appointments, Retention, and Promotions Committee Report. (Wolking, Chair)

Professor Sarah Wolking reviewed the status of non-tenure track job offers and ongoing recruiting efforts.

Outcome: Information only

5. Action Item: Recommendations from Non-Tenure Track Appointments, Retention, and Promotions Committee for promotion of Lisa De Sanctis and Timothy McLendon to Sr. Lecturer. (Wolking, Chair)

Professor Sarah Wolking presented, and faculty considered the promotion of Lisa De Sanctis and Timothy McLendon to Senior Legal Skills Professor.

Outcome: Voting scheduled to take place by Qualtrics survey on Monday, December 4.

6. Action Item: Recommendations from Promotion and Tenure Committee. (Brauner, Chair)

Professor Yariv Brauner presented, and faculty considered the promotion to Professor of Law and granting tenure to Jonathan Marshfield.

Outcome: Voting scheduled to take place by Qualtrics survey on Monday, December 4.

Meeting adjourned at 12:53 pm

TO: University of Florida Faculty Curriculum Committee
FROM: Catherine Grimley, on behalf of the Florida Entertainment and Sports Law Review
DATE: October 25, 2023
RE: FESLR Petition for Permanent Journal Status

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Introduction

Over the past three years, we have worked extensively to establish and grow the Florida Entertainment and Sports Law Review (“FESLR”). We present this Memo to petition the Committee that FESLR obtain permanent status as a journal at the University of Florida Levin College of Law. This Memo will illustrate the story of FESLR’s genesis and continued progress. It will provide the content of our past four publications, detail our upcoming publication, list past student works, and describe our new developments and future goals.

It is our hope that the Committee will grant FESLR permanent status, so it can continue to provide law students, professors, and practitioners interested in sports and entertainment law the opportunity to read and contribute to cutting-edge legal scholarship in the field.

About FESLR

FESLR’s purpose is to further the educational and professional mission of the University of Florida Levin College of Law, primarily through the timely publication of a student-run legal journal. Specifically, FESLR is committed to providing a practical resource for professionals in the entertainment and sports industries, students, and other interested parties. FESLR is a primary resource for relevant writings by entertainment and sports attorneys, executives, and law students that highlight topical industry news and unearth the complexity of industry issues. FESLR’s mission is to provide practitioners a publication that has practical takeaways for their daily work and to educate the masses on the depth of the ever-evolving entertainment and sports industries’ intersection with law and policy.

Of Florida’s nine law schools, FESLR is currently the only sports and entertainment law journal in the state. It is also one of approximately 26 in the country. Notably, the University of Florida was recently listed as one of the best sports law programs in the country due, in part, to FESLR’s impact. See [Sports Litigation Alert Article](#).

Publications

FESLR is an online only journal, which is consistent with the modern and digital nature of the sports and entertainment industry. Beyond our website, we are published on HeinOnline and will be eligible to publish on Westlaw after Spring 2024. We have been communicating with Westlaw about the publication process, and they are expecting our application next spring.

We have consistently published twice a year since our founding and plan to continue this trend. We have attached links to and a short description of all our past publications:

Volume I, Issue I (Inaugural Issue)

The inaugural issue of FESLR was bootstrapped by the hard work and dedication of the journal’s founders, Adrienne Washington (JD ’22) and Jeffrey Parry (JD ’21). On its maiden voyage, the journal read, approved, edited, and published four articles that were authored by law students and

legal practitioners from across the country. This first iteration of the journal was 65 pages of legal scholarship that set the foundation for what FESLR has become.

Volume I, Issue I is linked as follows: [Volume I, Issue I \(Inaugural Issue\)](#)

Volume I, Issue II

Just four months after our first issue was published, FESLR grew. In addition to four articles—authored by law students, sports law practitioners, and trademark attorneys—the Executive Board began to incorporate Career Spotlight interviews of members of the sports and entertainment law community. The two Career Spotlights provided an opportunity for Staff Editors to interact with practitioners via a question-and-answer format in what would become a FESLR publication staple. Additionally, the FESLR’s second issue included the transcription of a discussion held during the Virgil D. Hawkins Clinic Speaker Series earlier that spring semester by Allison Keller, Chief Administrative Officer of the PGA Tour.

Volume I, Issue II is linked as follows: [Volume I, Issue II](#)

Volume II, Issue I

In FESLR’s second year, the journal made tremendous improvements in both the quality of publications and, more importantly, processes. This issue showcased the first student note authored by an active member of FESLR, Alyssa Rodriguez. This represented the journal’s new-found dedication to publishing active members of FESLR while seeking to increase students’ publication opportunities. This issue also boasted articles written by law professors from across the country and a transcription of an interview with a preeminent sports law professor and practitioner, Dan Lust, Esq. Finally, this issue upped the ante regarding Career Spotlight participants. It included three insightful Q&A sessions with practitioners, again, giving members the opportunity to network with and build a community within the sports and entertainment law landscape.

Volume II, Issue I is linked as follows: [Volume II, Issue I](#)

Volume II, Issue II

In its most recent publication, FESLR’s Executive Board incorporated legal minds from some of the most recognizable sporting brands in Florida, including the Tampa Bay Buccaneers (Emily Lekahal) and the PGA Tour (Len Brown). In addition to the improved quality of Career Spotlight participants, the quality of legal scholarships submitted to and published by the journal have also improved. The three articles in this issue analyzed topics including the gender pay gap in professional sports, the mental health toll of college athletics, and copyright protections for stand-up comedians. Additionally, the issue’s practitioner commentary piece showcased a Q&A with Danielle Garno, a premier fashion law expert, discussing the legal consequences of the influencer era.

Volume II, Issue I is linked as follows: [Volume II, Issue II](#)

Volume III, Issue I

Volume III Issue I is currently in the editing process. Below is the description of the publication's theme and articles:

The theme of this Fall 2023 publication is "Third Party Beneficiaries of the Content Conveyor Belt." There is true power in complete ownership over something built by one's hard work and creativity. While the ability to monetize content through third parties may not be a creator's cause, it can absolutely be the catalyst for the creator's decision to continually feed the modern-day content conveyor belt. The notes and articles published in this issue all touch on the who, what, when, where, and/or why a third party may choose to benefit from the content produced by another.

In *A Call of Duty for the Legalization and Regulation of Esports Betting*, 2021 UF Law graduate Mr. Natu Wainer discusses the potential for corruption in the unregulated world of esports. Specifically, he explores how many of the participants are minors, and what the sportsbooks and promotions stand to gain the most from the gaming content and skill of these young professionals.

In *The End of an Error: No More Misclassifying University Employees as Mere Student-Athletes*, Nate Otto highlights discrepancies in how the current class of collegiate student-athletes is treated in relation to the NCAA and member universities. He discusses the outsized benefit to these institutions stemming from the on-field product of athletes and how those same athletes can recapture their fair compensation following the courts deeming them "employees."

Finally, in *"Reed"-ing the Green: How Patrick Reed's Defamation Points to the Contours and Rifts in Professional Golf*, Rachel Coers shows how a battle for content supremacy can lead to lawsuits and litigation regarding what is being said about diametrically opposed sides. Sometimes when juggernauts of content creation are warring, the only real winner is the consumer.

We also plan to have two Commentaries and three Career Spotlights on this theme which are discussed below.

Editors

FESLR's membership has consistently grown since its inauguration, with this last year being our largest yet. We were able to be selective during the Write-On process and received the most transfer editors of any journal. Our membership boasts editors who are also members/officers of Moot Court, Trial Team, and the ADR Team. Additionally, many of our editors participate in a variety of student organizations and serve as Legal Writing Teaching Assistants, Research Assistants to UF Law Professors, CLIs, and Law Clerks.

*Our past three Mastheads are attached at the end of this Memo.

One of the primary goals of FESLR is to provide connections between students and practitioners, as well as open the door to opportunities in the sports and entertainment industry, which is notoriously difficult to enter. In just three short years, we have been able to accomplish this goal and will continue to create more opportunities for our editors. A few examples include:

- Alyssa Rodriguez: Alyssa served as FESLR’s Editor-in-Chief for the 2022–2023 Academic Year. In her 3L spring, she participated in an externship with Major League Soccer in New York City, and currently works as a Labor and Employment Law Clerk at Lewis Brisbois Bisgaard & Smith in New York City.
- Nate Otto: Nate serves as our current Executive Articles Editor, and frequently writes for sports law blogs. Recently, he was invited to speak on the popular Conduct Detrimental Podcast after connecting with Co-Host Dan Lust through FESLR. FESLR interviewed Dan for our Volume II Issue I Commentary.
- Hunter Bedard: Hunter served as FESLR’s Executive Articles Editor for the 2022 –2023 Academic Year. During his time at UF Law, Hunter served as a UF Football NIL Intern and completed a Semester in Practice with the University of Florida’s General Counsel’s Office.
- Kaley Bonnet: Kaley is a 3L Senior Articles Editor on FESLR and the past EASLS President. Kaley has worked as a Legal Extern for Epic Universe at Universal Studios and has worked in Attractions Operations at Tomorrowland at Disney.

FESLR’s alumni base is already beginning to form and give back to the journal. Notably, FESLR Co-Founder Jeff Parry, Associate Director of Compliance at Notre Dame Athletics, recently reached out and offered to help anyone looking to enter the pro or college sports legal fields with resume/cover letter editing, network strategy, interview prep/mock interviews, etc., in anticipation of starting his own company which will provide these services. He also expressed his interest in working with FESLR members and providing potential internship/employment opportunities once his company is started.

FESLR has also begun building connections within the sports and entertainment law journal community. We recently entered a collaboration with Arizona State University’s Sports and Entertainment Law Journal, where we plan to work together to promote each other’s work and call for papers. Further, FESLR’s Director of Research, Rachel Grimley, was recently offered a publication spot with the University of Denver Sturm College of Law’s Sports and Entertainment Law Journal.

Student Notes

FESLR members can write their notes on any topic related to sports and entertainment. Many FESLR members are former entertainers, athletes, or avid fans. Thus, FESLR provides the opportunity for members to write academic scholarship on topics that are both personally interested in and have personal connections to. Below is a list of the notes FESLR members wrote:

2021-2022 Student Works

1. Name, Image, and Likeness: A Game-Changer for College Athletics
2. NCAA Athlete or NCAA Employee? “Employee” Status of Student-Athletes Gets One Step Closer in *Johnson v. NCAA*

3. Unregulated and Unprotected: How Child Influenced are Falling Through the Cracks
Reevaluating Public-Funded Sports Stadiums: Economic and Judicial Rationales
4. Reevaluating Public-Funded Sports Stadiums: Economic and Judicial Rationales
5. Profit Over People
6. Don't Call us Student-Athletes! How *Johnson v. NCAA* Affects the Employment Status of Collegiate Athletes
7. Children in the Entertainment Industry: The Right to Childhood. Analysis of Federal and International Laws Regarding Mental Health Laws for Children
8. Blurred Lines in Music Copyright: Social Norms Meet the Law
9. Keep CALM and Carry It On: A Demand for the FCC to Enforce and Extend the Commercial Advertisement Loudness Mitigation Act
10. The Criminalization of Entertainment: Child Pornography and Effective Sex Offender Policy
11. Go With The Program: How WWE Continues A Legacy Of Exploiting Professional Wrestlers And The Need For A Wrestlers Union
12. From Pretty Baby to Riverdale: Television's Slippery Slope into Creating and Distributing Child Pornography
13. Loot Boxes: Harmless Fun or Illegal Gambling?
14. Stuck in the Middle with You: An Argument for the Rationalization of Conference Realignment
15. Reforming Copyright Law to Protect Black Content Creators' Intellectual Property

2022-2023 Student Works

1. FIFA and Qatar Human Rights Violations in the World Cup
2. Regulating Against the Danger of Problem Gambling in the World of Online Mobile Casinos and Sportsbooks
3. NIL Collectives and Athlete Compensation
4. True Threats and Emojis: An Analysis of the True Threats Doctrine and Its Application to Emojis

5. A Constitutionally Proposed Federal Framework for Regulating NIL Laws: Practical and Ethical Reasons the Federal Government Needs to Intervene
6. Youth Sports Epidemic: Coaching Violence and Abuse, Its Effect on Youth, and How the Law Can Help
7. International Assemblies as a Model to End FIFA's Widespread Corruption
8. The End of an Error: No More Misclassifying University Employees as Mere Student-Athletes
9. Striking Digital Gold: The Opportunities and Legal Issues of Implementing Blockchain Technology into Professional Sports Organizations
10. Qualified Immunity for Coaches and Athletic Trainers
11. UFC Unionization as a Solution to Antitrust, Fight Pay, and Fighter Privacy Concerns
12. Rap Lyrics as Evidence in Criminal Prosecutions: "You Don't Belong in the Courthouse Anyway; Your Rap Concert has been Canceled"
13. The End of Amateurism and the NCAA
14. PGA Tour's Anti-trust Issues Come to a Head in the LIV Golf Controversy
15. Florida Jumped the Gun: Understanding Why Florida is Not Competitive in the NIL Emerging Landscape
16. Accepting the Invitation: Why the NLRB's Decision on Northwestern University Football Players as Employees Would Be Different Today
17. Keeping Up with the "Kontracts": Why Reality TV Contracts Fail to Protect Contestants' Rights and Create a New Understanding of the "Vulnerable Worker"
18. Lack of Protections in the Cheerleading Industry: Why has Cheerleading been Left Behind? An Analysis of How Monopolistic Practices Have Enabled Sexual Abuse Claims to Reoccur in the Industry
19. Cleaning up Art: Addressing Money Laundering Through Art Deals by Exploring Benefit Corporations and Applying New York Senate Bill S117A to a Benefit Corporation Framework
20. "Reed"ing the Green: How Patrick Reed's Defamation Lawsuits Point to the Contour and Rifts in Professional Golf

21. Flag on the Play, Delay of Game: An Analysis of the Rooney Rule and the NFL's Delayed Hiring Practices of Minority Candidates
22. The Virtual Frontier: Existing Intellectual Property Doctrines are Well-Suited for Art Created in the Metaverse
23. Marijuana Laws and the NFL
24. Purchasing the Rights to Player's Bodies: The National Hockey League and the Collective Bargaining Agreement

New Developments & Future Goals

FESLR Blog

The FESLR Blog was built to encourage a bi-monthly publication rhythm for our journal to attract more website viewership and interaction. The Blog also increases the frequency of student works published on our website, which are independent of the formal student note publication process.

The sports and entertainment space moves at a breakneck pace, and the legal side is no exception. The FESLR Blog's goal is to be a forum for thoughtful analysis by authors regarding legal issues in the sports and entertainment space as they arise. The immediacy provided by our platform also encourages contributing writers to submit works without fear of the news cycle passing them by.

Our Blog provides students, professors, and practitioners with a platform to publish short academic works. This sharing of ideas and perspectives fosters a culture built on interactions between students and professionals in the sports and entertainment law space. The outward-facing nature of our Blog gives students an outlet to write quality works on topics in a field of interest. The "Comment" feature also provides a platform for discussion among students, practitioners, and legal scholars, about the issues presented. The Blog is our version of a "Forum."

Recent blog post topics include litigation between Panini America and Fanatics, Inc. regarding the world of sports trading cards; an illegal and predatory NIL deal inked by Big League Advantage with a former Gator football player; a highspeed controversy regarding the civil rights and employment law violations of NASCAR's diversity programs; the Hollywood labor disputes; and much more!

Attached is the link to access our Blog: [FESLR Blog](#)

Career Spotlights

Career Spotlights are road maps. They are question and answer sections of each publication that provide insight into the career path and history of legal professionals working in the sports and entertainment law space. The questions are crowdsourced by the Executive Articles Editor to

his/her committee and are open-ended to provide participating professionals enough room to go as deep or wide on an answer as they so choose.

A large part of our mission at FESLR is to help funnel our graduates with an interest in sports and entertainment into legal roles in those fields. Career Spotlights provide our editors and executive board members opportunities to contact and learn from practitioners without the uncomfortable cold call or cold email outreach. The connections created by the Career Spotlights often foster a lasting line of communication between our journal members and those legal professionals in roles that they aspire to.

The answers to questions posed by staff editors also chart a course for those with a desire to work in sports and entertainment law. Understanding when, where, how, and why sports and entertainment lawyers took certain steps along their professional journey is immensely beneficial to young attorneys and law students. Additionally, short form content allows us to publish new and relevant information to remain current on the new and exciting happenings in the sports and entertainment law space.

The featured Career Spotlight authors in FESLR's next publication are as follows:

Angela Jones, Senior Director, Business & Legal Affairs at Netflix

Carron Mitchell, Esq., Entertainment & Music Law Partner at Nixon Peabody, LLP

Joe Curtis, EVP & Chief Legal Officer at LAA Sports and Entertainment

Commentaries

Practitioner Commentaries provide a platform for open dialog between FESLR members and legal professionals, discussing a specific topic or niche area of sports and entertainment law. Historically, these conversations have been recorded via Zoom and transcribed by Articles Committee members in preparation for publication.

In our Spring 2024 Publication, the Editor-in-Chief and the Executive Articles Editor plan to record, edit, and release the conversations electronically in a podcast format (as well as transcribe into the publication) to increase engagement with the FESLR website and interest in the topics discussed. Podcasts have become a major method of sharing information in the sports and entertainment law community; thus, we hope to use this podcast version of our commentary to further adapt to the industry.

The featured Commentary authors in FESLR's next publication are as follows:

Stacy Steinberg, Professor at the University of Florida Levin College of Law

- Professor Steinberg will discuss the impact of "sharenting" on children in the influencer era, how this new development interacts with current child privacy laws, and the potential impacts of new legislation on children's privacy online.

Simon Pulman, Partner and Co-Chair of Media+Entertainment at Pryor Cashman

- Mr. Pulman will discuss the arc of the writers and actors strike, how it applies to labor law on a micro/macro scale, how generative AI was a strong motivation behind the strike, and how streaming platforms may have to alter their pay algorithms now that the strike has come to an agreed upon conclusion.

Quality and Sustainability

FESLR has initiated several different methods to preserve its quality and sustainability for both the present and the future.

First, every FESLR officer is mandated to create and maintain an officer manual that sets out the procedures and responsibilities of that respective position. The goal of these manuals is to foster a smooth transition process following the next Executive Board election. Our Executive Board has also mandated that each Officer act as a mentor to his or her respective officer on the next elected Executive Board. This means that the rising Executive Board will constantly be shadowing our Executive Board. These two components will ensure that the next Executive Board will step into their positions with a thorough understanding of what their duties entail and will be ready to begin the next publication process.

Each staff editor also receives individual mentorship as they complete their committee edits and notes. The FESLR Officers will typically release memos to their committees explaining what was done well and what could have been improved upon in the staff editors' committee edits. The staff editors who exhibit exceptional edits are featured in our FESLR newsletter, internally distributed to the journal bi-weekly. Additionally, every staff editor is provided individual feedback from both the Executive Student Works Editor and the Student Works Committee as they draft their notes.

Second, FESLR is dedicated to promoting quality work product. Each committee has several layers of review to ensure that our published articles, commentaries, and spotlights are discussing relevant, timely, and accurate legal issues. For instance, the managing editors are split into two areas: source review and grammar review. Once managing edits are released, the 2L staff editors will check the author's propositions to ensure that they are accurate with the cited sources, while the 3L senior editors are simultaneously checking for grammar mistakes. Each committee has a similar multiple-layered review to promote and foster quality work product.

Lastly, every Executive Board creates a Playbook where it lays out the basic function of the journal, important timelines, instructions on how to complete WQEs, and instructions and recommendations on how to write an exceptional Student Note.

Student Demand

Demand for FESLR has never been higher. During the 2023 write-on competition, which is organized and facilitated by the Florida Law Review, six applicants indicated that FESLR was their number one journal preference. This number is higher than every other journal at UF Law with the exception of the Florida Law Review for first journal preferences. Additionally, twenty-

four applicants indicated that FESLR was their second journal preference which further demonstrates the continuing demand of becoming a FESLR editor.

FESLR also obtained five transfer staff editors through the 2023 Transfer write-on competition, the most of any journal. Notably, FESLR had the most transfer applicants choose them as a second choice (all transfers selected the Florida Law Review as their first choice).

Conclusion

As this memo demonstrates, we have worked extensively to establish FESLR over the past three years and plan to continue this growth. We believe that FESLR provides a unique experience that students cannot get from other journals or from other schools in the state, and compliments UF Law's goal to grow its sports and entertainment law program.

It is our hope that you will grant FESLR permanent status so that we can continue to provide these opportunities and share quality sports and entertainment content. Thank you for your consideration.

Sincerely,

Catherine Grimley
Editor-in-Chief, on behalf of FESLR

FLORIDA ENTERTAINMENT AND SPORTS LAW REVIEW

VOLUME I

JANUARY 2022

ISSUE 1

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2022–2023

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VOLUME III, ISSUE I

2023–2024

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FLORIDA ENTERTAINMENT AND SPORTS LAW REVIEW

To: Curriculum Committee
Charlene Luke, Co-Chair
Donna Erez-Navot, Co-Chair

From: M Smith
Assistant Dean for Experiential Learning and Engagement

Re: Proposal for Innovation and Entrepreneurship Clinic (IEC)

January 12, 2024

I write on behalf of the clinic faculty to propose a new clinic focusing on transactional skills rather than litigation skills. We currently do not offer a transactional clinic. Internal enthusiasm for such a clinic is high based on extensive discussions with clinic faculty and their recommendations as well as on student interest expressed through admissions recruitment and academic advising sessions. Multiple peer institutions offer transactional clinics. For example, [Alabama](#), [Georgia](#), and [Michigan](#) all have such clinics.

The NTT appointments and promotions committee has created a draft job description for a clinic director who will develop an Innovation and Entrepreneurship Clinic (IEC) (see attached). The IEC is designed to be flexible and evolve in alignment with current legal trends, students' interests in specific practice areas, local and statewide client needs, and our broader UF strategic vision and innovation initiatives.

On behalf of the clinic faculty, I request that the Curriculum Committee approve the creation of this new clinic and present the proposal to the full faculty, ideally in the January faculty meeting. To my knowledge, the faculty policy manual does not currently contain a procedure for approval of new clinics, so I recommend an approach analogous to the process it outlines for approval of externships and new courses.

UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW welcomes applications from candidates interested in teaching and directing the Innovation and Entrepreneurship Clinic (IEC). The successful candidate joins a dedicated clinical faculty within the Virgil D. Hawkins Civil Clinics at UF Law and will develop a clinic that provides free transactional legal services. This clinic is designed to be flexible and evolve under the direction of a candidate with a creative vision, potentially serving clients in, but not limited to, the following areas: development of nonprofits with limited resources, small startup business formation, intellectual property, and real estate. There are opportunities for this clinic to collaborate with other UF departments, including UF's Innovation Academy and UF Small Business Vendor Services, as well as external stakeholders locally and throughout Florida. In carrying out its dual mission to educate law students in transactional law and serve the citizens of Florida, the IEC will give preference to ventures that have a positive community impact.

The successful candidate will be appointed as a non-tenure-track Legal Skills Lecturer, participating fully in Levin College of Law governance and committee work. After three years of successful teaching and service, Legal Skills Lecturers are eligible for promotion and five-year, presumptively renewable contracts. Legal Skills Lecturers do not have scholarship responsibilities. Still, they are encouraged to participate in the scholarly life of the law school and are provided with professional development funds to produce scholarship if they choose. Successful candidates will be licensed to practice law and have excellent legal skills, a commitment to excellence in clinical teaching, and enthusiasm for creating an inclusive environment for all students. Application materials should include a cover letter, a resume with at least three references, and a proposal for developing the clinic based on the candidate's interests and expertise. Materials may be uploaded at <http://jobs.ufl.edu>. The NTT Appointments Committee will also review the AALS Faculty Appointments Registrar.

The Levin College of Law fosters a diverse and inclusive environment for faculty, staff, and students, and we welcome applications from candidates with diverse backgrounds and perspectives. The University of Florida is committed to nondiscrimination concerning race, color, religion, national origin, sex, sexual orientation, gender identity, gender expression, age, marital status, political opinions or affiliations, genetic information, disability, and veteran status in all aspects of employment.

UNIVERSITY OF FLORIDA
LEVIN COLLEGE OF LAW
RULES AND PROCEDURES MANUAL
DATE:

Chapter 1- Governance of the College

Governance of the College of Law shall rest jointly with the Administration and the Faculty, as outlined below.

The Administration of the College of Law shall consist of the Dean, and associate deans, assistant deans, directors and administrative staff as appointed by the Dean. The Dean is appointed by the president, or the president's designee, and should be renewed only upon a positive vote of the faculty.¹ The Dean is the chief administrative officer of the College and has primary responsibility for the operation of the College. The Dean has the powers and responsibilities delegated by the president and outlined in the University of Florida Constitution and Regulations as well as the powers and responsibilities granted in this document. The dean shall also be bound by the ABA Standards and Rules of Procedure for Approval of Law Schools where relevant.

The Faculty of the College of Law shall consist of all persons holding the ranks of assistant professor, associate professor, professor, lecturer, senior lecturer, master lecturer, legal skills professor, senior legal skills professor, and master legal skills professor. These faculty shall be referred to as the "voting faculty" herein. The faculty may also include those persons holding the position of emeritus professor, affiliate professor, legal research professor, visiting professor, professor of practice, adjunct professor, assistants in law, associates in law, and the President of the University (who serves as an ex-officio member).² When the latter group of faculty are included, the entire group of faculty shall be referred to as the "campus faculty." The voting faculty of the College has primary responsibility for the College's academic endeavors, such as curriculum, faculty status, and appointments, conducting faculty hiring, and consults with the administration on matters of budget, strategic planning, and administration of the academic mission as spelled out in more detail below. The faculty shall also be bound by the ABA Standards and Rules of Procedure for Approval of Law Schools where relevant.

All persons holding faculty status as voting faculty and who also serve in positions such as dean, associate dean, assistant dean, director, or other administrative title retain their rights as voting faculty in all matters of governance and in all committees unless otherwise expressly excluded herein. Administrative staff who do not hold faculty positions do not have voting privileges in committees or in faculty meetings.

Faculty Council and Committees

The faculty and the administration shall work together to advance the mission of the College of Law through the work of a Faculty Council and Faculty Committees.

Faculty Council

¹ ABA Standard 203(c) requires meaningful participation by faculty in the choice of a dean. "The dean shall be selected by the university or the governing board of the law school, as appropriate, which shall have and follow a procedure for decanal appointment or reappointment that assures meaningful involvement by the faculty or a representative body of the faculty in the selection of a dean."

² See Article VI, § 2(C) UF Constitution.

- A. **Purpose.** The Faculty Council (“the Council”) shall consider and address all issues and matters related to shared governance within the College of Law. It represents the interests of the faculty and will operate to ensure communication, transparency, collegiality, representative participation, mutual accountability, and collaboration between the faculty and the administration.
- B. **Composition.** The Council shall consist of five members elected by and from the voting faculty. At all times three of the five members will be tenure-track faculty members and two will be non-tenure-track faculty. Faculty members currently serving as deans or associate deans are not eligible to serve on the Council during their administrative appointments but are members of the voting faculty and may vote for Council members.
- C. **Authority.** The Council has the authority to place items on the agenda of any regularly-scheduled faculty meeting. The Faculty Council may call a meeting of the faculty. The Faculty Council Chair will preside at such meeting which is subject to normal quorum, notice, and procedure requirements.
- D. **Responsibilities.** The Council’s responsibilities include:
1. Consultation with the administration. The Council will serve as an advisory committee to the Dean. It will provide input regarding all faculty committee assignments (including faculty and non-faculty administrative liaisons), will assist in the drafting of committee charges, and will consult on other administrative decisions or policies that affect faculty teaching and scholarship.
 2. Strategic planning. The Council will evaluate the College of Law’s strategic planning process, facilitate the faculty’s role in periodic strategic planning, and assist the administration with the implementation of any College strategic plan.
 3. Consultation on the budget. The Council will consult with the Dean on budget priorities and will report to the faculty on budget information received from the dean, including budget reports prepared by the administration for outside entities.
 4. Communication and commitment to transparency. The Council will serve as a liaison between the faculty and the administration in matters involving academic policies and procedures. It will facilitate the role of the faculty in shared governance by providing information, facilitating transparency, and assisting with shared governance implementation. It will facilitate opportunities for faculty to discuss issues of importance to the College. The Council will also provide faculty feedback to the Dean and the administration based on periodic evaluations of administrators and staff.

5. Policy compliance and revision. The Council will report to the faculty on compliance with the College of Law's policies and procedures. It may, along with other faculty committees, draft and propose revisions to the policy manual which will be brought to the faculty for adoption.
6. Vote administration. Consistent with University Policy, the Council may participate in the administration of all votes in matters of appointments and for faculty membership on elected committees including the promotion and tenure committee, the Dean's review committee, the Faculty Senate, any faculty consultation committee on dean searches,³ and the Faculty Council, and may share the results of those votes with the faculty.

E. Election and Term.

1. Operating term. The Council's annual term will run from June 1 – May 31.
2. Membership term. Council members will serve staggered 2-year terms with two or three members of the Council serving a second term each year. Members may serve consecutive terms.
3. Election of members.
 - a. Election of council members will be by written ballot, which will be conducted and completed by May 1st of each year. The ballot will include a slate of candidates for the tenure-track slots and a slate for the non-tenure-track slots and faculty may vote for as many candidates on each slate as there are open positions on the Council.
 - b. All voting faculty except those serving as deans or associate deans are eligible to serve on the Faculty Council and their names will be presumptively added to the ballot. Faculty on leave, faculty with anticipated heavy service loads, or faculty who may have other personal or professional obligations may remove their name from the ballot, but it is expected that faculty will be willing to serve as it is every faculty member's duty to be involved in governance.
 - c. To be elected to the council, the three recipients of the highest number of votes among the tenure-track and the two recipients of the highest number of votes among the non-tenure-track faculty shall be elected.
 - d. In the event of a tie that exceeds the number of available seats, a runoff ballot will be conducted. The runoff ballot will be limited to the tied candidates. Voting faculty may cast up to the number of votes equal to the number of remaining open seats on the Council.

³ Article VI, § 2(D) provides that "The chief executive and administrative officer of the Graduate School, and of each college shall be a dean. The dean shall be appointed by the President. In making this appointment, the President shall give consideration to the opinion of the faculty of the college concerned by consultation with a special committee of at least three faculty members elected by the faculty of the college."

4. Council chair. The Council will elect its own chair and vice chair each year at the first meeting of its annual term. The outgoing Chair will continue to serve as Acting Chair until such time as a new Chair is elected. The Chair will serve as the College of Law's representative to the College Faculty Council Chairs Committee.

College of Law Committees

Shared governance is understood as a collaboration between the faculty and the administration in the governance of an academic institution. Generally speaking, the faculty *determine* (i.e., have primary responsibility over) matters of academic policy, curriculum, accreditation standards, evaluation of students, the criteria and evaluation of faculty for appointments and for promotion and tenure, and faculty development in consultation with the administration. Similarly, the administration *determines* operational matters, such as policy implementation, budgeting, compliance, external relations, and developing and managing resources in consultation with the faculty. In between are matters where both the faculty and administration are expected to collaborate, such as with strategic planning, facilities planning, finance and research allocation, and areas of academic emphasis.

The faculty's principal role in shared governance is in setting policy for the College of Law in those areas in which faculty have primary responsibility. The faculty also play a role in implementation of policies directly affecting faculty and the academic mission, assist the administration in fulfilling those policies, play a key role in the hiring and promotion and tenure policies, and consult in the general administration of the College. The faculty shall participate in governance and administration through the following committees.

Clerkship Committee

Curriculum and Academic Programs⁴

Faculty and Community Engagement⁵

Non-tenure-track Appointments⁶

Non-tenure-track Promotion⁷

⁴ This committee establishes policies on matters such as curriculum, academic standards, international programs, distance learning, and accreditation.

⁵ This committee establishes policies on matters of faculty development, faculty research and scholarship, teaching and pedagogy, and community engagement.

⁶ This committee establishes hiring policies and facilitate the hiring of non-tenure-track faculty and adjuncts.

⁷ UF Regulations require that promotion committees be half-elected – see UF Regulation 7.019(6)(c)(2) for clinical faculty. It is unclear whether faculty holding lecturer positions must also be reviewed by an elected committee. To

Student Life and Support⁸

Tenure-track Appointments⁹

Tenure – track Promotion and Tenure¹⁰

The Dean may consolidate any of these committees in cases where it is anticipated that there will be a lighter work load so long as all requirements about membership are satisfied. In addition, the Dean and the Faculty Council may establish temporary ad hoc committees, but any ad hoc committees that might be established shall sunset after no more than two academic years unless they are authorized by the faculty to continue for a longer period.

Membership on Committees

All members of the voting faculty are eligible to serve on all committees, except that the tenure-track promotion and tenure committee is limited to tenured full professors and the tenure-track appointments committee is limited to tenure-track faculty.

The chair of each committee shall be chosen by the committee within one month of the formation of the committee. Meetings will be convened by the longest serving faculty member until a chair is selected.

The dean may appoint up to two non-faculty administrative liaisons to each committee who shall be non-voting members. The dean may appoint one faculty administrative liaison to each committee who shall be voting members.

Faculty Meetings

Faculty meetings shall be scheduled at least once per month during the academic year, with additional meetings scheduled by the Dean or the Faculty Council as needed. Any faculty meetings scheduled by the Faculty Council shall be scheduled during normal business hours and appropriate notice shall be given to promote widespread faculty participation.

be consistent, it makes sense that this committee also be half-elected so there is no distinction between clinical and lecturer positions.

⁸ This committee establishes policies around student life, such as admissions, student services, career placement, academic integrity, and student support.

⁹ This committee establishes policies around the hiring of tenure-track faculty and facilitates their hiring. The dean, in consultation with the Faculty Council, may combine the Tenure-track and Non-tenure track Appointments committees, or create subcommittees, in years where hiring needs are light or heavy in order to better consider the hiring needs of the faculty as a whole.

¹⁰ As required by the UF Constitution, a majority of faculty to this committee must be elected. See UF Regulation 7.019(6)(b)(2).

Agenda: The Dean, Dean’s designees, the Faculty Council, and committee chairs may place items on the agenda, which shall be approved and published by the Dean at least five days prior to a scheduled faculty meeting. Any faculty member who wishes to place an item on the agenda for a faculty meeting may do so by requesting the Dean or the Faculty Council add that item. If neither approve adding the item to the agenda, five voting faculty members may petition the Faculty Council to add the item, and that item must be placed on the agenda at the next regularly-scheduled meeting.

Quorum: A quorum for faculty meetings shall be those voting faculty present, except for the graduation meeting, which requires the presence of only one or more voting members of the faculty in attendance. A majority of those voting faculty present shall be sufficient to approve any item or policy on the agenda unless University Regulations or the College Rules and Procedures Manual requires otherwise.

Voting: Voting on all matters except appointments and promotion and tenure shall be by voice vote unless a request for a secret ballot is made and a majority of the voting faculty members present choose to vote by secret ballot. All ballots for appointments, promotion and/or tenure, and any other secret ballot, shall be by written or anonymous electronic ballot. The Faculty Council may participate in the administration of all written or electronic ballots. All voting faculty are entitled to vote on all matters, unless limited by University Regulation or the College Rules and Procedures Manual. [The college currently prohibits non-tenure-track faculty from voting on hiring tenure-track faculty and the university permits voting on tenure-track and non-tenure-track promotion/tenure decisions only by those at a higher rank.]

Hybrid Attendance and Proxy Voting Policy

- A. Faculty meetings may be held in-person, entirely online, or in a hybrid format at the discretion of the Dean. Participants in online or hybrid meetings are expected to have their cameras on and may participate fully in all discussions and votes.
- B. Eligible voters who are aware that they will be unable to attend any meeting may authorize another eligible voter to serve as the non-attending member’s proxy voter at the meeting. All proxies must be directed proxies. Eligible voters who wish to designate a proxy voter must notify the dean’s office of the voter’s inability to attend and the reason therefor.
- C. Reasons for non-attendance shall be limited to the following: (1) personal or family illnesses, accidents, or other emergencies that would cause the voter to cancel a class; (2) military duty, jury duty, or other compelled attendance at a legal proceeding; (3) attendance at an academic conference, continuing legal education program, or other professional meeting; (4) the meeting conflicts with a regularly-scheduled class or examination; or (5) the voter is on leave or not on duty, and is away from the Gainesville metropolitan area at the time of the meeting.
- D. Eligible voters who will be unable to attend for a reason specified in paragraph (C) should provide the notification specified in paragraph (B) as soon as they become aware of their inability to attend. Whenever feasible, eligible voters who will be unable to attend a meeting should endeavor to provide this notification more than one week in advance of the meeting.
- E. All proxy ballots shall be marked “proxy.”