



THE UNIVERSITY OF MICHIGAN LAW SCHOOL
ANN ARBOR, MICHIGAN 48109-1215

DEPOSITION
EXHIBIT
4-5-05

Jeffrey S. Lehman
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Professor Peter Hammer
The University of Michigan Law School
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CONFIDENTIAL

Dear Peter,

As I told you last week, the faculty has deferred for two years a decision on whether to recommend your promotion to the Provost:

This decision reflects three important collective judgments. First, the faculty has concluded that the research currently in your file does not support a decision to grant tenure. Second, the faculty is confident of your capacity to produce the quality of work required for tenure at Michigan. Third, the faculty values your contributions to the Law School enormously and is therefore willing to take the unprecedented step of deferring the tenure decision for two years in order to allow you sufficient time to do significant additional writing.

To be sure, the task before you is not a trivial one. In order to help you, you are excused from the seminar you had been scheduled to teach in the winter term of 2001. And as we agreed, I will appoint a support committee of colleagues who are willing to serve as a sounding board for your ideas and to provide unvarnished responses to your work. (Of course, how you choose to use that committee will be entirely up to you.)

I would also advise you to cut back on the administrative side of the Cambodian Project over the next 18 months and to ask someone else to take on these responsibilities. I would be happy to speak with that third party to facilitate a temporary transfer of administrative responsibility. Finally, if there are other ways in which you think the school can help you achieve our mutual goal, I will consider them.

Let me conclude with a few words about process.

Your current employment contract expires May 31, 2001. Because the faculty has deferred consideration of your tenure, your contract will be extended to May 31, 2002. If you

are awarded tenure, you will receive a new contract; if not, the academic year 2001-2002 will be your terminal year.

Your tenure case will be considered *de novo* by the tenure committee appointed for the academic year 2001-2002. You will be expected to provide the committee with a portfolio of scholarship completed by October 1, 2001. The committee, following its usual practice, will seek views of your work from both internal and external reviewers. It is likely that some reviewers will be updating reports they prepared for us this time around, while others will not have previously reviewed your work. The committee will also prepare an evaluation of your teaching and service, most likely updating the current reports, but it will be within the committee's discretion to begin the process afresh. I will be sure the committee realizes that any reduction in your service contributions with respect to the Cambodian Project have been at my suggestion.

Peter, I want you to know how much I hope that you are successful in your work these next 19 months. I think very highly of you, and I very much value the contributions you make to the Law School. I have outlined here what I can do to help as dean. If there are other ways you believe I can be of assistance, please feel free to call on me.

Sincerely,



Jeff