



Committee for the Evaluation of Law Study Programs

College of Management Evaluation Report

2015

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Chapter 1- Background

The Council for Higher Education (CHE) decided to evaluate study programs in the field of Law during the academic year of 2014.

Following the decision of the CHE, the Minister of Education, who serves ex officio as Chairperson of the CHE, appointed a Committee consisting of:

- **Prof. Edward B. Rock**- University of Pennsylvania Law School, Pennsylvania, USA: Committee Chair
- **Prof. Arye Edrei**- Tel Aviv University Faculty of Law, Israel
- **Prof. Silvia Ferreri**- University of Turin Law School, Turin, Italy
- **Prof. Stewart J. Schwab**-Cornell University Law School, Ithaca, New York, USA
- **Lucie E. White**- Harvard Law School, Cambridge, Massachusetts, USA
- **Prof. David Schizer**- Colombia Law School, New York, USA

Ms. Alex Buslovich-Bilik - Coordinator of the Committee on behalf of the CHE.

Within the framework of its activity, the Committee was requested to:¹

1. Examine the self-evaluation reports, submitted by the institutions that provide study programs in Law, and to conduct on-site visits at those institutions.
2. Submit to the CHE an individual report on each of the evaluated academic units and study programs, including the Committee's findings and recommendations.
3. Submit to the CHE a general report regarding the examined field of study within the Israeli system of higher education including recommendations for standards in the evaluated field of study.

The entire process was conducted in accordance with the CHE's Guidelines for Self-Evaluation (of October 2013).

¹ The Committee's letter of appointment is attached as **Appendix 1**.

Chapter 2-Committee Procedures

The Committee held its first meetings on May, 7th, 2014, during which it discussed fundamental issues concerning higher education in Israel, the quality assessment activity, as well as Law Study programs in Israel.

In May 2014, the Committee held visits of evaluation, and visited the College of Management, Sha'arey Mishpat College, College of Law and Business and Haifa University. During the visits, the Committee met with various stakeholders at the institutions, including management, faculty, staff, and students.

This report deals with the Department of Law at the College of Management. The Committee's visit to the College of Management took place on May, 13th, 2013.

The schedule of the visit is attached as **Appendix 2**.

The Committee thanks the management of the College of Management and the Department of Law for their self-evaluation report and for their hospitality towards the committee during its visit at the institution.

Chapter 3: Evaluation of Law Study Program at the College of Management

This Report relates to the situation current at the time of the visit to the institution, and does not take account of any subsequent changes. The Report records the conclusions reached by the Evaluation Committee based on the documentation provided by the institution, information gained through interviews, discussion and observation as well as other information available to the Committee.

1. Executive Summary

The College of Management School of Law offers a rich and comprehensive legal education to its students, including contributing to the important goal of social mobility. The faculty is comprised of productive and able researchers who are also committed teachers. A distinctive feature is the faculty's significant concentration on European law and interacting with European legal scholars and debates. Although faculty members do not have tenure, there is significant faculty governance. The study program is well designed to provide a comprehensive legal education for its students.

Like other law colleges, COM faces particular challenges in pursuing its mission. First, the very high student teacher ratio undermines the goals of serving peripheral populations not served by university law faculties who arrive with less preparation. Second, COM, like other law colleges, has faced particularly difficult financial challenges in recent years as enrollment has declined. COM has responded to these challenges sensibly and responsibly.

2. Organizational Structure

- Observation and findings

The College of Management School of Law is part of the College of Management which now has close to 11,000 students. As of April 2013, the COM law school had a total of 1140 students, divided between the LL.B. program and a variety of LL.M. programs. Faculty members do not have tenure but do receive multi-year contracts. There is no sabbatical program.

There is significant faculty governance. The dean is elected by the faculty (SS at 67), subject to approval by the COMAS president. The Teaching Committee is a faculty committee charged with overseeing the study program. The Faculty Council has general oversight as well.

Beyond the formal organizational structure, two features have a decisive impact on the structure of COM. First, like other private law colleges, COM has a small number of faculty members and a large number of students, creating a key

organizational challenge in the delivery of an adequate legal education. With 1100 students and 19 full time members of the faculty, COM has a student teacher ratio of approximately 57:1. Although complying with CHE's maximum of 80:1, it is still extremely high, far higher than university law faculties in Israel. This very high student teacher ratio dictates that a significant number of credits come from required core courses taught in large groups (112/142 credits), large elective classes, the utilization of adjunct lecturers, and few small group learning opportunities.

The administration of the college states that, despite the high tuition (approximately 300% the university rate), it cannot enlarge the faculty because of the financial constraints that flow from the fact that the college does not receive government funding. This may be true but we cannot evaluate this explanation as we do not have access to the budgetary data of the institution. As we note below, we believe that CHE should find a way to scrutinize the financial management of the institution, as well as that of the other private institutions, in order to ensure that, indeed, the high tuition fees paid by the students are appropriately disbursed.

Second, like other law colleges, COM is grappling with the decline in law school applications in recent years, and the intense competition for those students who remain. In recent years, COM has reduced its entering LLB class from 460 (in 2010) to 343 (in 2013), so as not to lower admissions standards. This is an extraordinary step, with huge financial implications, and is all the more admirable as it was achieved without discharging faculty members.

Further, as part of its admissions policy, COM (through its Open Gate, "Sha'ar patu'ach" program), provides an opportunity for an education and a regarded profession to students who do not meet the normal admissions requirements. They are accepted to the first year program, but for advancement to the second year, they are required to meet higher expectations.

COM's honors program, and other efforts directed at the top students, offers an opportunity to the best students to receive a more intensive education, closer to the university model. Devoting resources to this group of students poses inevitable tradeoffs.

Recommendations:

Advisable:

As described in more detail in our general report, we believe that the CHE should receive information on the financial condition of the college, so as to enable it to evaluate some of COM's key financially-driven educational choices.

3. Mission and Goals

- Observation and findings

The Self Study describes a multipart mission and goals that includes offering high quality law studies to a wide sector of the Israeli population not served by university law faculties. The faculty and students endorsed the goal of social mobility. At the same time, there are inevitable tradeoffs between devoting resources to targeting excellent students and spreading those resources across the wider student population.

Several features were prominent. First, the “Open Gate” program provides important access for peripheral students who cannot be admitted to university law faculties. Second, strikingly, the faculty was noticeably more focused on and more integrated into European legal discourse.

The Committee accepts the college’s mission and believes that it is both committed to and successful at achieving its goals.

4. Study Programs

- Observation and findings

COM provides a solid legal education. The courses, as indicated by the syllabi, are well designed and cover the standard set of topics. A student who learns the material taught in his/her classes, required and elective, will emerge as a well-educated lawyer.

As noted above, COM has a very high student-teacher ratio. This necessitates a study program with mostly required courses taught in large sections, although COM manages to avoid classes larger than 120 students, a level many/most law schools consider to be acceptable. The students we spoke with were generally satisfied with their studies and stated repeatedly that class size was not a pedagogical impediment, with quality depending more on the particular teacher. We were particularly impressed with innovative approaches to core courses such as the Contracts course in which practical/skills oriented exercises are incorporated into the course itself. This reportedly led to substantially higher attendance.

Such a study program generates two sets of challenges: how to provide enrichment to top students; how to assure an adequate education for students who seek to coast through. Faculty and students acknowledged these challenges, differing somewhat on what percentage of students are committed (somewhere between 20% and 30% of the class), what percentage have “checked out” (again, generally thought to be between 20% and 30%), with the remainder in the middle, with some leaning up and others leaning down.

For the top students, additional resources are devoted to enriching their experience, including an “honors seminar,” study abroad programs, serving as teaching assistants, workshops, research opportunities, and other activities. We were also impressed by the fact that the college has a number of attractive programs, such as courses given by visiting lecturers from abroad. These programs are by nature designed for the excellent students who are prepared to invest the requisite effort that they demand, a group that constitutes a minority within the student body of the college. The top students are well served by these programs and clearly are able to receive a high quality legal education on a par with university programs.

We were also very impressed with the support that COM provides to students with special needs, whether because of difficulties with Hebrew or psychological and physical barriers.

As noted above, COM took the courageous decision to reduce class size by 125 students in response to declining applications, and to do so without discharging faculty. This shows a real and commendable institutional commitment to quality.

Supplementing the large, mandatory courses are a variety of electives and clinics that are particularly valuable in providing smaller learning environments. Clinics are clearly treasured by students and faculty alike. The clinics are afforded the flexibility to take even controversial cases, and seem to be quite effective in providing “live client” experiences, despite the limitations imposed by Israel’s restrictive practice rules.

The accelerated LLB program for students who already have an academic degree has flexible schedule that was valued by those students.

Recommendation

Advisable:

We believe that the college should make efforts to increase the number of elective courses offered by members of the faculty or outstanding adjunct professors, and to limit the number of students in such courses to 40. This will create more opportunities for students to conduct in-depth study in smaller, more intimate groups.

While we were impressed that the faculty provides numerous enrichment opportunities for interested students, we also believe that the college should give attention and invest resources in trying to expand the number of students in that group.

5. Human Resources / Faculty

- Observation and findings

The College of Management has a high quality faculty, which is both motivated and committed to the School. The faculty's intellectual pursuits are quite diverse. For example, the School focuses on assembling a faculty with expertise about different legal systems. Approximately 1/3 were trained in Israel, 1/3 were trained in Europe, and 1/3 were trained in the United States.

The faculty brings a range of teaching styles to the classroom. The School is very thoughtful about training students to be sensitive to the social and political context in which Israeli law operates.

Like other law colleges, the student faculty ratio is very high, even if it is below the CHE maximum of 80:1. This makes it more difficult to provide a high quality education.

Recommendations:

Advisable:

To the extent it is financially and logistically feasible, COM should reduce the student-faculty ratio either by decreasing the number of students or increasing the number of full time faculty, or both.

6. Students

Observation and findings

The students we met are quite clearly very capable, are satisfied with their studies, and are very fond of the college.

We detected some indications that students pushed for reduction in work load and requirements. Faculty members viewed this as typical student behavior and seemed entirely (and admirably) unperturbed by it.

7. Teaching and Learning Outcomes

- Observation and findings

Internal measures:

From what we can tell, the rigor of exams and the grade distribution are within the normal range. Like other law schools in Israel, student attendance is an issue, especially after the first year. Within the limits of our visit, it was impossible to form any judgment regarding what the students actually learn.

External measures:

COM is proud of its graduates' high bar passage rate. We were unclear whether concern with bar passage significantly affected the study program in terms of depth of teaching. One student suggested that there was an overemphasis on memorization.

A second external measure is the drop-out rate after the first year which averages around 9-10%. We express no view on whether that is high or low, and recognize that a willingness to dismiss students after the first year makes it possible to take more chances on students with borderline credentials. There was insufficient data to know whether the students who drop out after the first year are mainly those with borderline credentials, or if there are alternative explanations. Better data would make it possible to understand the causes of the drop outs. COM should be commended for collecting data on employment outcomes.

Recommendation:**Essential:**

As we discuss in our general report, we recommend that COM collect comprehensive and detailed data on placement outcomes (both internships and permanent employment) for their students and publish those data on their website. For students considering studying law, knowing up front how many graduates find internships, and of what sort, as well as their permanent employment will be enormously valuable. Likewise, better data on students and outcomes will aid COM in meeting its mission and goals.

8. Research**- Observation and findings**

The faculty has a strong commitment to research. Faculty members use a diverse range of methodologies and pursue ambitious research agendas in many different fields.

Members of the faculty generally teach eight points per semester. This heavy teaching load poses a challenge for research. The School is unable to guarantee

regular sabbaticals to the faculty. Yet although sabbaticals have obvious advantages, we recognize that financial tradeoffs make it difficult to know whether this is the best way to support research. Meanwhile, the School does offer special research support to junior faculty, providing research budgets as well as course relief in some cases.

Like other Israeli law schools, the School balances the value of domestic and international research. The latter can attract a wider audience, especially if written in English. Indeed, the fact that Israeli academics employ the same methodological approaches as U.S. academics, so that they write in the same scholarly literature, is an important strength of the Israeli legal academy.

However, helping improve the Israeli legal system is also an important priority, which usually is pursued most effectively with scholarship about problems in Israel. Israeli legal academics are uniquely well positioned to take on this challenge – indeed, it is unlikely that academics from other countries will do so. This scholarship, moreover, is likely to have more impact domestically if it is written in Hebrew.

The School's standards for promotion, though, attach substantial weight to foreign publications. As with other Israeli law schools, then, there is a question about whether these standards are calibrated properly to encourage the right balance between publications that attract attention internationally, on one hand, and publications that contribute more directly to law reform efforts in Israel, on the other.

9. Infrastructure

- Observation and findings

COM's campus includes several buildings, some of which have recently been added for special events, e.g. a big auditorium. Several conferences take place every year on the campus and profit from the large meeting facilities.

The campus's space and green spaces, with open air cafés and pleasant benches etc., provide a lovely atmosphere for faculty and students alike. Students seem to profit from the opportunity to meet outside of the classes, at least when the weather is not too hot, as during the committee's visit in May.

COM's large classrooms may accommodate up to 140 students, or even 200, although in the recent years the trend has been toward limiting class size to around 120. Smaller classes are provided for elective courses and seminars: all are well-equipped with projectors, wi-fi etc. The faculty meeting room is fairly large, with essential furniture and brightly illuminated. The clinics, highly praised by the

instructors and students alike, have a dedicated area that allows students to meet with clients, with each other and with their supervisors.

The attractive library provides a mix of large general reading rooms and smaller spaces for quiet study and reflection. Some space is provided for collective study and group discussions. A special area in the campus is equipped for students with special needs and it includes screens where the books can be enlarged to allow reading by students with impaired vision. Library hours are extended, especially during the exam period when the students have nighttime access.

The library has an adequate collection of legal materials. In addition, there is access to a variety of online materials, both from Israel and abroad, to which students and faculty may access remotely.

Academic staff members have a substantial money allowance by the college to buy books that concern their research and are permitted to hold the books in their offices or even at home.

The personnel working in the library pointed out that they also provide DVD movies to some teachers who combine law and cinema in their classes.

Recommendation:

The policy of long extended hours of access to library is excellent, should be preserved, especially during the exams period.

10. Self-Evaluation Process

- Observation and findings

Although the Self Study report covered all the required topics, it did so in a way that emphasized the school's strengths, but without a corresponding effort to probe potential weaknesses. As a result, the report does not highlight the kind of rigorous self-reflection that sometimes emerges, and can be so valuable, in a self-study process.

Chapter4: Summary of Recommendations and Timetable

Essential:

As we discuss in our general report, we recommend that COM collect comprehensive and detailed data on placement outcomes (both internships and permanent employment) for their students and publish those data on their website. For students considering studying law, knowing up front how many graduates find internships, and of what sort, as well as their permanent employment will be enormously valuable. Likewise, better data on students and outcomes will aid COM in meeting its mission and goals.

Advisable:

As described in more detail in our general report, we believe that the CHE should receive information on the financial condition of the college, so as to enable it to evaluate some of COM's key financially-driven educational choices.

We believe that the college should make efforts to increase the number of elective courses offered by members of the faculty or outstanding adjunct professors, and to limit the number of students in such courses to 40. This will create more opportunities for students to conduct in-depth study in smaller, more intimate groups.

While we were impressed that the faculty provides numerous enrichment opportunities for interested students, we also believe that the college should give attention and invest resources in trying to expand the number of students in that group.

To the extent it is financially and logistically feasible, COM should reduce the student-faculty ratio either by decreasing the number of students or increasing the number of full time faculty, or both.

The policy of long extended hours of access to library is excellent, should be preserved, especially during the exams period.

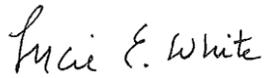
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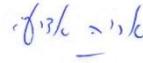
Prof. Edward B. Rock



Prof. Silvia Ferreri



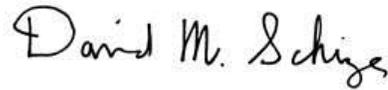
Prof. Lucie E. White



Prof. Arye Edrei



Prof. Prof. Stewart J. Schwab



Prof. David Schizer

Appendix 1: Letter of Appointment

April 2014

Prof. Edward B. Rock
University of Pennsylvania Law School,
Pennsylvania
USA

Dear Professor Rock,

The Israeli Council for Higher Education (CHE) strives to ensure the continuing excellence and quality of Israeli higher education through a systematic evaluation process. By engaging upon this mission, the CHE seeks: to enhance and ensure the quality of academic studies, to provide the public with information regarding the quality of study programs in institutions of higher education throughout Israel, and to ensure the continued integration of the Israeli system of higher education in the international academic arena.

As part of this important endeavor we reach out to world renowned academicians to help us meet the challenges that confront the Israeli higher education. This process establishes a structure for an ongoing consultative process around the globe on common academic dilemmas and prospects.

I therefore deeply appreciate your willingness to join us in this crucial enterprise.

It is with great pleasure that I hereby appoint you to serve as the chair of the Council for Higher Education's Committee for the Evaluation of the study programs in Law. In addition to yourself, the composition of the Committee will be as follows: Prof. Arye Edrei, Prof. Silvia Ferreri, Prof. Richard L. Revesz, Prof. David Schizer, Prof. Stewart J. Schwab and Prof. Lucie E. White.

Ms. Alex Buslovich-Bilik will be the coordinator of the Committee.

Details regarding the operation of the committee and its mandate are provided in the enclosed appendix.

I wish you much success in your role as the chair of this most important committee.

Sincerely,

Prof. Hagit Messer-Yaron
Deputy Chairperson,
The Council for Higher Education (CHE)

Enclosures: Appendix to the Appointment Letter of Evaluation Committees

Appendix 2: Site Visit Schedule

Law- Tentative schedule of site visit

College of Management, room 262, Building D

Tuesday, May 13, 2014

Time	Subject	Participants
09:00-09:30	Opening session with the heads of the institution and the senior staff member appointed to deal with quality assessment	(1) Prof. Seev Neumann, President (2) Prof. Yoram Eden, Vice President for Academic Affairs (3) Dr. Itamar Shabtai, Director, Quality Assessment and Assurance
09:30-10:30	Meeting with the Dean of Faculty of Law	(1) Prof. Yoram Rabin , Dean (2) Dr. Omer Tene, Deputy Dean
10:30-12:00	Meeting with senior academic staff (representatives of relevant committees and programs)*	(1) Dr. Orit Fischman Afori, Intellectual Property and Deputy Dean (2) Dr. Yuval Merin, Family Law and Head of the Teaching Committee (3) Dr. Ido Baum, Law and Economics Director of the LL.M. Program (4) Prof. Orna Ben-Naftali, The Emile Zola Chair for Human Rights (5) Prof. Iris Canor, European Law (6) Prof. Suzie Navot, Constitutional Law (7) Prof. Frances Raday, The Concord Research Center, International Human Rights (8) Prof. Haim Sandberg, Property Law

		(9) Prof. Daniel Sinclair, Jewish Law
12:00-12:45	Lunch (at the teachers' lounge of the Haim Striks School of Law)	Closed door meeting of the committee
12:45-13:45	Tour of facilities: classrooms, library, labs, offices	<ul style="list-style-type: none"> (1) Prof. Yoram Rabin , Dean (2) Dr. Omer Tene, Deputy Dean (3) Dr. Orit Fischman Afori, Deputy Dean (4) Prof. Suzie Navot
13:45-14:30	Meeting with Junior academic staff	<ul style="list-style-type: none"> (1) Dr. Shmuel Becher, Contract Law (2) Dr. Yifat Bitton, Tort Law (3) Dr. Nili Karako- Eyal, Tort Law (4) Dr. Ruthy Lazar, Head of the Clinical Legal Center (5) Dr. Tamar Morag, Family Law (6) Dr. Tamir U. Shanan, Tax Law (7) Dr. Zvi Triger, Family Law (8) Dr. Limor Zer-Gutman, Legal Ethics and Head of the David Weiner Center for Lawyers' Ethics and Professional Responsibility
14:30-15:15	Meeting with Adjunct academic staff	<ul style="list-style-type: none"> (1) Adv. Avinoam Cohen, Amicus Clinic, International Law (2) Prof. Maher M. Dabbah, Queen Mary University, London. Anti-Trust Law (3) Ms. Amira Dotan, Brigadier General (Res.), Center for Corporate and Social Responsibility, Mediation (4) Dr Yisgav Nakdimon, Communication Law (5) Dr. Gil-ad Noam, Ministry of Foreign Affairs, International Law (6) Mr. Roy Peled, Administrative Law

		(7) Dr. Karni Perlman, Mediation and Dispute Resolution
15:15-16:00	Meeting with BA students**	<ul style="list-style-type: none"> (1) Mr. Massimo Zohar Gabriel, 2nd year (2) Mr. Moshe Pasker, 2nd year (3) Mr. Noam Rotem, 2nd year (4) Mr. Yechiel Seadia , 2nd year (5) Ms. Roni Silver , 2nd year (6) Ms. Shelly Barad , 3rd year (7) Mr. Rafael Bojmel, 3rd year (8) Ms. Omer Chodorov, 3rd year (9) Mr. Idan Hasson , 3rd year (10) Mr. Guy Lifshiz , 3rd year
16:00-16:45	Meeting with MA students**	<ul style="list-style-type: none"> (1) Ms. Jasmine Abusif, 1st year, without thesis (2) Ms. Yael Nissan – Alon, with thesis (3) Ms. Galit Nissim, 1st year, without thesis (4) Ms. Dana Sarvi, with thesis (5) Mr. Matanel Spaktor, 1st year, without thesis (6) Mr. Tomer Valency, 1st year, without thesis
16:45-17:30	Meeting with Alumni** including Teaching Assistants (no. 1,2,6 and 8)	<ul style="list-style-type: none"> (1) Adv. Nofar Asselman, Economist (2) Adv. Chen Avidov, Legal Assistant, Justice Miriam Naor, Supreme Court (3) Adv. Keren Be'er, Legal Council, Google Israel (4) Adv. Roei Cohen, Legal Assistant, Justice Salim Jubran, Supreme Court (5) Adv. Sharon Kadosh, Partner, Gross Kleinhandler, Hodek Law office (6) Adv. Moran Kandelshtein, Lecturer, Constitutional Law, Ph.D. Candidate Bar-Ilan

		University (7) Adv. Sivan Noymark, Raabad Magrizo Law office (8) Adv. Noriel Or, Private Law Practice, Lecturer of Property Law
17:30-17:45	Closed committee meeting	
17:45-18:15	Closing session with heads of institution and dean of faculty of Law	(1) Prof. Seev Neumann, President (2) Prof. Yoram Eden, Vice President for Academic Affairs (3) Dr. Itamar Shabtai, Director, Quality Assessment and Assurance (4) Prof. Yoram Rabin , Dean (5) Dr. Omer Tene, Deputy Dean

* The heads of the institution and academic unit or their representatives will not attend these meetings_

** The visit will be conducted in English with the exception of students who may speak in Hebrew and anyone else who feels unable to converse in English.