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September 1, 2015

To:  
Ms. Alex Bosolovich Bilik  
Coordinator for QA  
Quality Assessment Division (QAD)  
Council for Higher Education  
Jerusalem

### **Response to the Report of the Committee for Evaluating the Quality of Law Studies at Bar-Ilan University**

Dear Ms. Alex Bosolovich Bilik,

Enclosed please find the Response to the Report of the Committee for Evaluating the Quality of Law Studies at Bar-Ilan University. The response was written by the Dean of Faculty of Law, Prof. Shahar Lifshitz, and approved by me.

On behalf of the Bar-Ilan Law Faculty, please convey our sincere gratitude and appreciation for the rigorous and insightful work of the committee. We have learned much from the report, and are confident that the Bar-Ilan Law Faculty will find it extremely useful.

As detailed in the table below, we are taking the recommendations in the report seriously, and upon receiving the report, have initiated a process to implement them. For example, we have established a committee whose aim is to rigorously examine the non-thesis LLM program, as per the recommendation in the report.

In addition, we would like to state that the Bar-Ilan Law Faculty attributes great academic and public value to the M.A. of Legal Studies program. As noted in the report itself, and discussed below in the table that addresses the recommendations individually, the faculty and the students stand behind the rationale of the program and support its implementation.

Finally, before addressing the recommendations, we would like to correct a factual matter appearing on page 10 of the report:

"There is a lack of small-group classes, particularly classes that offer a different format from the frontal approach utilized in the larger lectures, such as workshops, research groups, pro-seminars, and the like."

We would like to state that financial constraints notwithstanding, in recent years the faculty has indeed developed such courses. For example, we have developed an excellent program intended for a group of around 15 students (see page 46 of the self-evaluation report); following our success in conducting workshops guiding members of editorial boards of various journals (see page 46), we plan to conduct 4 more in the 2015-2016 academic year; 9 unique workshops in various fields, intended for around 20 students each (see page 45) are also planned for 2015-2016; a unique paper writing course taught by the

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Dean and another staff member, in which 12 students are participating (see page 46); all our seminars are given to small groups of up to 20 students (see page 44), with 32 such courses planned for 2015-2016 in the LL.B program; groups of up to 30 students participate in courses taught by guest lecturers (see page 14); in total, dozens of courses and seminars are taught to small groups.

Perhaps the relative lack of focus by the report submitted to the committee has given the misleading impression that such courses do not take place. As mentioned, a variety of such courses are given, and the faculty endeavors to continue and develop such courses, subject to financial constraints.

As per your request, below is a table with our responses to the recommendations and advice of the committee, organized by order of appearance in the report summary.

Recommendation/Advise	Response
<p>"We recommend that courses taught by members of the standing faculty not be scheduled for more than two hours of instruction on a single day and that courses taught by adjunct faculty not be scheduled for more than 3 hours of instruction on a single day."</p>	<p>The schedule of classes for the 2015-2016 academic year was published before the report was received. Regarding the schedule for 2016-2017, an effort will be made to implement the recommendation in the bachelor's program. Mandatory courses of 6 semester hours will be divided into two 3 semester hour meetings, because dividing them into three weekly classes would not be practical.</p> <p>The master's level programs present a greater challenge, as they are more complicated. Nevertheless, an effort will be made to gradually adhere to the recommendation.</p>
<p>"With regard to the M.A. in Law program, BIU and CHE should consider whether "truth in labeling" requires that it be called a "diploma" or "certificate" program rather than an M.A. program. At the very least, BIU should indicate explicitly that the M.A. courses should not count towards an LLB degree."</p>	<p>The Bar-Ilan Law Faculty attributes great academic and public value to the M.A. in Law Program. The program affords degree holders in various fields, who are not jurists and do not seek to work as lawyers, the opportunity to acquire academic education at a high level.</p> <p>This form of education has great intellectual and academic value, and it provides useful professional knowledge to individuals working in the fields of public management, management in the private sector, business, etc.</p> <p>The program operates under guidelines formulated by The Council for Higher Education (attached in an appendix to this response), following a decision made by the council after much deliberation and rigorous study of these programs and their rationale.</p> <p>The guidelines are intended to ensure that studies in this program adhere to the high standards of master's level programs (non-thesis), and at the same time that the students enrolled in the program are aware that its aim is to teach academic legal studies, including from research angles, and not to train them as lawyers.</p>

The name of the program (degree in legal studies and not in law), the type of degree (M.A. and not LL.M.), the publications of the faculty, and the information given to potential students, are all intended to unequivocally convey the difference, and we have never experienced any problems or misunderstandings in this matter.

Academically, the program is offered on two tracks: one for graduates of arts, humanities, and social studies, and the other for graduates of economics, business management, and accounting. Therefore:

1. Whereas the non-thesis master's degree programs in the Bar-Ilan University and other universities in Israel usually amount to 32 credits (semester hours), the M.A. in Legal Studies program amounts to 56 credits, 24 of which are complementary courses in core legal studies, as decided upon by the Council for Higher Education (introduction to Israeli law, legal theory, public law (constitutional and administrative), contract law, as well as other core areas of study, depending on the track, such as tort, corporate, and criminal law). Therefore, complementary studies make up 75% of all advanced studies in the program itself, and about 43% of the studies quota required in order to complete the degree.
2. Admission to other master's level programs at Bar-Ilan and other universities in Israel is not limited either to graduates who have completed a bachelor's program in the same field. The assumption is that complementary studies in core subjects of the program, when added to the academic background of students from other areas, afford a high level of studies.
3. In accordance with the guidelines established by the Council for Higher Education, the program operates along two tracks, in which the study program is adapted to the subject of the undergraduate degree of the students. This facilitates interdisciplinary synergy, and complements the studies and the debates that take place in lectures and seminars.
4. Students enrolled in the program, as well as students in the LL.M. program, are required to attend two research seminars and to submit substantial research papers based on independent research. Many of the students choose to write about interdisciplinary subjects, combining legal insights with non-legal topics from their previous degrees or work.
5. The minimum admission requirement – a GPA of 80 in the bachelor's degree – is more stringent than the requirements for the rest of the master's level programs in the university, and most of the students are graduates of research universities in Israel.
6. Similar but less demanding programs exist outside of Israel. For example, an MSL (Master of Science in Law) program has

	<p>recently been offered at the University of Maryland Francis Kind Carey School of Law, described on their website as "...based on the assumption that engineers, nurses, scientists and other subject matter specialists can use legal and regulatory knowledge to help their organizations gain a competitive advantage. The MSL will give them the legal training they need, increasing their skill and depth..." 30 credit are required to obtain the degree, as opposed to 56 in the Bar-Ilan program.</p> <p>Regarding the comment of the committee about granting credit for courses taught in the program if a student later enrolls in an LL.B. degree program, it is true that the Faculty of Law does not recognize such courses, despite their high level. Nevertheless, bearing in mind their high academic level, the faculty is open to the possibility of giving credit for certain courses taught in the program (namely, complementary courses) for the purpose of a future LL.B. degree. If and when this happens, it would apply only to students who have been admitted according to the standard criteria.</p>
<p>"We recommend that the Law Faculty conduct a focused <i>supplemental</i> self-study of its LLM without thesis program in which it devotes the same attention and seriousness that it devoted to its review of its LLB program."</p>	<p>Following this recommendation, the Dean has established and is heading a committee that will discuss such programs comprehensively, taking into account, among others, the relevant comments of the committee. Nevertheless, note that as per existing policies of the Council for Higher Education, admission requirements cannot differ for university graduates and college graduates.</p>
<p>"As described in our general report, we strongly recommend that Bar Ilan, and the other law faculties, provide greater transparency in the employment outcomes of their graduates. This should include detail on internship placements (what percentage of the LLB graduating class finds internships and in what size firms or other locations), what becomes of those who do not choose to seek, or find, internships, and details regarding the first job after internships. There should also be standardized disclosure on the outcomes of those who complete Ph.D.s including, on an individual basis (as the numbers are small), what graduates of the Ph.D. program end up doing."</p>	<p>As detailed in the report submitted by the faculty, great effort is being made for the placement of graduates in internships; we have an experienced employee whose role is to coordinate this task. Based on the data in her possession, the vast majority of graduates who seek placement as lawyers succeed in doing so. For example, in the last two years, the placement of these students has stood at 100%. In the year 2014, 38% of graduates have found work with one of the top 20 firms (according to DUN'S 100 rating), and an additional 33% have found employment in the public sector. In 2015, 35% were placed in the top 20 firms (according to DUN'S 100 rating) and 37% in the public sector, including leading attorney's offices and HCJ departments.</p> <p>As per the recommendation, the faculty will conduct a survey of the employment of its graduates.</p> <p>Regarding students who have completed the Ph.D. degree, and as detailed in the report submitted by the faculty, a considerable number of them have received tenure-track placement in Israeli law schools. Nevertheless, there are students who pursue a Ph.D. in law for a non-academic career; among these are several senior</p>

	judges and lawyers. Please see the chart on page 56 of the self-evaluation report describe the Ph.D alumni employment.
"As described in our general report, Israeli law faculties should guard against excessive dependence on indirect proxies for evaluating the quality and impact of scholarship. A peculiarity of American scholarly journals is that they are student-edited and not peer reviewed. This means that the placement of articles is not a reliable measure of either quality or impact. An undue emphasis on publishing in U.S. law journals also has the unfortunate effect of discouraging publications in Hebrew on topics of importance to the development of Israeli law. Bar Ilan, more than most Israeli law faculties, seems careful to encourage contributions to the development of Israeli law and Jewish law. The university organs that oversee tenure and promotion should respect this admirable pluralism."	<p>Without detracting from the high level of some student-edited American scholarly journals, this comment is wholeheartedly accepted by the Faculty of Law.</p> <p>For years an attempt has been made to apprise the Appointments Committee of the university of the uniqueness of legal research, and of the academic and public challenges that make it difficult for academic staff members focusing on Israeli law to gain promotion.</p> <p>The Rector of the university and the Dean of the faculty will bring the comments of the committee regarding this matter to the attention of the Appointments Committee.</p>
"Given the general oversupply of law Ph.D.s in Israel that we describe elsewhere, we recommend that BIU pay attention to working with Ph.D. students in placing them in non-academic jobs including convening regular lunches with Ph.D. graduates who hold jobs outside of academia, as a way of (a) making clear that Ph.D.s are valuable outside of academia; (b) exposing students to non-academic options and (c) encouraging them to think seriously about their post-doctoral plans."	The faculty accepts the suggestion, and will act accordingly.
"Bar Ilan Law Faculty views clinical legal education as an important part of its academic program. Clinicians often do not fit into either the tenure/tenure track framework or the administrative staff framework. The University should consider creating an alternative framework for	As detailed in the submitted report, the faculty is interested in doing so, and a special committee established to examine clinical legal education, has recommended that a special employment track be created for them. Notwithstanding organizational and financial constraints, and the fact that it is not within the power of the Faculty of Law to create such a track, we have brought this matter to the attention of the university authorities in the hope that a suitable employment track for clinicians may be

clinicians."	established.
<p>"We recommend that the faculty develop some courses geared specifically to graduates of college programs, particularly the weaker colleges, in order to bridge the gap between their academic level and that of the university graduates.</p> <p>At the same time, the masters program must offer some advanced courses that are designed exclusively for students who have practical experience in the field."</p>	<p>The faculty has formed a committee, headed by the Dean, that aims to examine the non-thesis masters program, many of whose students are indeed college graduates.</p> <p>Among other things, the committee will examine this recommendation, endeavoring to find solutions that reconcile academic considerations with the need to avoid steps that may be interpreted as giving unequal treatment to students with respect to the institution where they earned their LL.B.</p> <p>The suggestion regarding offering advanced courses designed for students who have practical experience in specific areas will also be discussed by our committee.</p>
"Students need more space for small group meetings in an area easily accessible and close to the library."	The faculty has a detailed plan for a discussion room intended for group meetings with round tables inside of the library. Its implementation is pending budget approval.

We thank the CHE Committee for the helpful recommendations and hope to continue to improve the quality of Law studies.

Sincerely,



Prof. Amnon Albeck  
 Vice Rector  
 In charge of Quality Evaluation

Cc:  
 Prof. Miriam Faust, Rector  
 Prof. Shahar Lifshitz, Dean, Faculty of Law