



Committee for the Evaluation of Law Study Programs

The Hebrew University of Jerusalem

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**- Columbia 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 December 2014, the Committee held a visit of evaluation, and visited the Interdisciplinary Center Herzliya, the Hebrew University and Tel Aviv 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 Hebrew University. The Committee's visit to the Hebrew University took place on December, 10th-11th, 2014.

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

The Committee thanks the management of the Hebrew University and the Faculty 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 Hebrew University

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

Observation and findings

The Hebrew University Law Faculty is world-class. The faculty is full of first rate scholars who provide first rate students with a first rate legal education. In this report, the committee offers some friendly suggestions for how the HUJI law faculty can achieve its goals even more effectively. Hebrew University should view its law faculty as a treasure, and continue to support and cooperate with its efforts to become even better.

2. Organizational Structure

- Observation and findings

The Law Faculty of the Hebrew University in Jerusalem has a tradition of excellence that finds expression in many of its activities.

The Faculty functions within a leading and important university, a factor that finds expression in most of the faculty activities. Thus, the Law school has combined programs with many and varied departments on campus. The Faculty is particularly proud of its structured cross-disciplinary programs such as Law and Social Work, Law and Political Science, and a joint program leading to an MBA. Indeed, beyond the structured programs, we had the impression that many students derive significant benefit from being on campus, and integrate courses in the social sciences and humanities into their studies of law. This phenomenon finds exemplary expression in the research degrees, both on the masters and doctoral levels. Here one sees that all of the research students take advantage of the ample resources available on campus, with each developing an individualized program appropriate to his/her field of specialization that enables him/her to acquire requisite theoretical and practical knowledge of relevance. This fact has a noticeable impact on the quality of their research and their training. Similarly, the academic faculty of the Law School also benefits from valuable cooperation with the faculty members of other departments, and from joint academic appointments.

The Law Faculty of the Hebrew University in Jerusalem is relatively large, and has a large number of impressive faculty members relative to other law schools. From what we could tell, the faculty functions properly vis-à-vis the absorption of new members. Current faculty members are integrally involved in the hiring

process, which has contributed to success in attracting good new faculty members. In this context, as well as in others, we were impressed by an atmosphere of successful collaboration, based on relationships of mutual trust, between the Law Faculty and the university administration. One notable example is that the University allows the Law Faculty to hold appointment slots (tekanim) from year to year when it cannot find a suitable candidate for a position. This enables the Law Faculty to maintain its desired standard for new faculty appointments, and is a practice that should be adopted in other institutions.

The Faculty has an additional track that falls between the regular track and the adjunct track, which it seems to utilize to incorporate special personalities, such as the recent appointment of the Vice-President of the Supreme Court, Judge Eliezer Rivlin, as a professor of torts. In this way, the Faculty is able to benefit from a leading and well-known jurist without having to budget a full academic position. This is an excellent approach for Hebrew University. Whether it should be expanded, and whether it should be adopted in other universities, depends sensitively on a faculty's needs and the availability of appropriate candidates.

3. Mission and Goals -

- Observation and findings

The Hebrew University law faculty was the first law faculty in Israel, founded in 1949. As the Self Study points out (SS at 6), the Tel Aviv law faculty was originally a *branch* of Hebrew University, only becoming independent in 1968. The mission of the Hebrew University law faculty, like other great law faculties, is to produce cutting edge legal scholarship that makes contributions to both domestic as well as international debates, and to provide a first rate legal education for its students. As the self-study amply documents, it pursues its missions with enthusiasm and achieves both of its goals.

4. Study Programs -

Observation and findings

Hebrew University offers degree programs at the LLB, LLM, MA, and L.L.D./Ph.D. level.

LLB Program:

The core program is the LLB degree. Hebrew University attracts many of the best law students in Israel for this degree. In recent years, Hebrew University has emphasized an interdisciplinary approach to law and has introduced a mandatory social science methods course for all LLB students. As many as 70 percent of the students obtain a joint degree (dual major) in law and another field. This

broadening of the course of study resembles a liberal-arts approach to higher education. The challenge is to ensure that a joint degree does not simply pile additional requirements on the already intense LLB curriculum. Many LLB students say they cannot do all the assigned work in their law courses. Those in joint programs have even more content to squeeze into 3 ½ or 4 years. For example, one joint law-and-accounting student with whom we spoke claimed he had to take ten or twelve courses a semester to meet the requirements. This strikes us as too many courses for effective education. We recommend that serious attention be given to better integration between the parts of a joint program, perhaps reducing the total number of required credits by allowing more “double counting,” to ensure that the quality of the education is not swamped by the quantity of required credits in a joint degree. Alternatively, a limit might be imposed on the number of courses per semester, thus effectively mandating a longer course of study for certain joint programs.

Clinics have become a significant component of the education of LLB students at Hebrew University, and the Faculty is in the process of improving their scope and quality. Hebrew University has recently brought most of its clinics in-house taught by its faculty rather than externship placements supervised by attorneys in law offices or NGOs. It has also hired a full-time clinical director. The Faculty’s efforts to integrate academic faculty members into clinics is laudable. As discussed in the general report, HUJI and other law faculties must figure out the status of clinical faculty. These faculty members are not academic research faculty, but neither are they administrators or staff.

LLM Programs:

Hebrew University offers several LLM and MA programs. The core LLM program is designed for Israeli lawyers and other holders of a LLB degree. Many of these students come from the law colleges and some do not have adequate preparation. This creates an opportunity and obligation to provide remedial instruction.

For several years, HUJI has offered specialized LLM programs taught entirely in English that attract students from outside of Israel. This program furthers HUJI’s internationalization efforts. Competing world-wide with other international LLM programs poses some particular challenges. These include maintaining quality while not diverting top faculty from their other important roles, and balancing the desire for a distinctive program with the desire to integrate the students with other HUJI students and programs. One international LLM student told the committee that she was surprised by the low amount of reading expected of students. As she understood it, faculty policy was not to assign more than 25 pages of reading per class hour per week, a limitation that she felt interfered with the seriousness of the program.

Ph.D. program:

The HUJI faculty is justly proud of its PhD program, whose purpose as described in the self-study “is to train outstanding students, both graduates of our Faculty and of other institutions, to teach law and pursue legal research.” Self Study at 16. The program has been reformed in the last few years and includes several specialized courses and research seminars specifically for doctoral students, including courses introducing students to research methods in the social sciences.

We have a few observations or recommendations specific to the HUJI PhD Law program. However, our observations in our general report on the state of PhD Law programs in Israel apply also to the HUJI program. First, we note that Israeli law faculties are now producing many more Law PhDs than there are academic job openings (and many of the openings go to candidates who receive a PhD abroad). While a Law PhD provides useful training for professional roles outside of academia, it is an academic degree and the issue of non-academic job placements must be openly assessed.

Second, we observe that a Law PhD (or equivalent SJD or JSD) is not the usual Ph.D. among American law faculties, as contrasted with a Ph.D. in an allied discipline such as economics, political science, philosophy, or history. A Ph.D. in Law is particularly appropriate for graduate students specializing in doctrinal legal research. But for candidates who engage in interdisciplinary scholarship, and who seek to participate in the international discussion, the challenge for a Law PhD is to provide world-class training in the allied discipline. We believe that even a top PhD Law program such as Hebrew University’s should attend to this issue.

5. Human Resources / Faculty

Hebrew University has an extremely impressive law faculty, with expertise across a broad spectrum of methodologies and subject matters. It is one of the great law faculties of Israel and, indeed, of the world.

The University has been supportive in providing lines (tekanim) to the law faculty. For example, the faculty is currently in the midst of a search in business law, an important field where they believe they need more expertise. Their approach is to proceed carefully, seeking a candidate who will generate genuine enthusiasm within the faculty. Over the long run, this is a better strategy than hiring the best available person in a given year. The University should be commended for providing the law faculty with flexibility to pursue this strategy. They could not do so in the same way if they would lose a slot by not filling it in a given year.

One of the reasons why this faculty produces outstanding research is that its annual teaching load of 12 credits is lower than at other Israeli law faculties (although it is still higher than at many leading American law schools).

One trend discussed in our visit was the University's increasing interest in encouraging law faculty to seek grants. While the value of grants is obvious in some fields, where funding supports a researcher's team and facilities, these considerations are less significant in law. Although some legal scholars rely on research teams (e.g., for empirical work), this is the exception, rather than the rule. Perhaps for related reasons, grants are not a widely-followed measure of prestige in law. At the same time, the financial advantages to the University of attracting outside funding are understandable. If the University wants the law faculty to pursue these opportunities, it should create incentives to do so, such as teaching relief.

6. Teaching and Learning Outcomes -

- Observation and findings

Our committee has no observations or recommendations on teaching and learning outcomes specific to Hebrew University. We reiterate our strong recommendation in the general report that each law faculty report, using a standardized reporting format, the job outcomes of its LLB graduates, whether to stay or elsewhere. We also recommend that Ph.D. programs clearly report the number and type of academic and non-academic jobs their graduates have obtained in recent years.

7. Research -

Observation and findings

Hebrew University's law faculty produces an impressive volume of outstanding research. The school has a longstanding tradition of deep engagement with law reform in the Israeli system. For example, important bodies of Israeli law have been drafted by members of the faculty over the years. Hebrew University's location in the nation's capital has facilitated these important contributions.

Along with the rest of the Israeli legal academy, Hebrew University wrestles with the question of how much to focus on Israel, as opposed to international debates. We agree that the Israeli legal academy should engage in international debates; indeed, this is one of the distinctive strengths of Israeli law professors. Yet as we said in our general report, we are concerned that in some cases too much emphasis is placed on scholarship in English, and on participating in international debates. It is important for Israeli academics also to focus on Israeli issues, and to use Israeli case studies to illustrate more general points.

The American law students who decide what to publish in U.S. student-edited law reviews, however, tend not to be interested in Israeli law. As a result, tenure

and promotion standards that encourage scholars to publish in these journals can discourage them from focusing on Israel. This is a cost of using tenure and promotion metrics that account for placement, such as the Jerusalem Index. Student-edited U.S. journals feature prominently in the Jerusalem Index, although it also includes Hebrew language journals in its top tiers. An advantage of this sort of index is transparency. When scholars are deciding where to publish, the advice they receive from individual colleagues may not be representative. In contrast, an index developed with input from the entire community can reflect their views more reliably. But this transparency comes at a cost. As we observe in our general report, a prominent student-edited journal can give an article more visibility, but its publication decisions are less reliable signals of quality than those of a peer-reviewed journals.

8. Infrastructure -

- Observation and findings

Overall Assessment

The Self-Study Report documents the Law Faculty's infrastructure and facilities in great detail. The bottom line is that the Faculty has worked exceptionally well within its limited resources both to maintain its physical infrastructure and to adapt it to current and future research and teaching needs.

At the same time, however, those resources *are* limited. The Law Faculty's buildings, historically significant and architecturally impressive structures on Hebrew University's original Mount Scopus campus, were built in the 1930s and not fundamentally renovated in the last forty years (although there is clearly an ongoing effort to spruce things up). Thus, much work is needed to update the basic infrastructure as well as remodel classroom and research facilities to keep up with state-of-the-art trends in teaching and learning innovation and collaborative interdisciplinary and cross-institutional (and national) reaching and research.

Unfortunately though, it is outside the scope of this Committee's charge to recommend the budget supplements for Hebrew Law Faculty renovations or other Faculties' similar needs. We will note, however, the efforts – and successes – that the Faculty has made to use its infrastructure to the greatest advantage, and hope that the Faculty can continue to find funding from alumni and philanthropic sources for restoration projects appropriate to its historic campus.

We further note that central budgeting decisions by CHE and related committees should take into account the costs of bringing historical structures up to contemporary standards as well as the costs of building new structures. It is often *more* expensive to update historical structures sensitively and appropriately than to build afresh.

Specific Observations from Tour of the Facilities

Library

The HU Law Faculty's library is the largest in the Middle East and among those with the most extensive resources on Jewish Law in the world. The building, which is the old National Library, is grand, especially the main reading room. The librarian gave us an unusually detailed tour of the library facility, while sharing much information about library operations. Above all else, we learned of increasing budget constraints that are affecting both staffing and funding for books, periodicals, data-bases, and other resources. We were both struck by the severity of these budget cut-backs and impressed by how enterprising the librarian has been to adapt to them.

We also had many opportunities to tour spaces where students study. We were struck by how the main reading room was not a "quiet" space. Rather, it was buzzing with student activity, both social and study-focused. The energy was palpable, as students talked together in spirited tones. Though this seemed a bit strange to us, particularly in the monumental setting of the library's main reading room, it seemed to work for the students. The loud buzz in the main reading room was balanced by a number of smaller areas for individual study. These included clusters of individual carrels, small collections like the George Fletcher Collection, and a recently remodeled endowed student study room replete with bright colors, contemporary furniture, and beanbag lounge chairs where one student snoozed during our visit.

With respect to classrooms, our observations were consistent with what is reported in the Self-Study. While the classrooms are adequate in terms of space and equipment, some are in obvious need for renovation, and none are especially striking in terms of décor or design. Furthermore, the school could use more classrooms of all sizes.

The clinic as well as research spaces are adequate, and the decision-science lab will greatly enhance the buildings' spaces for innovative research and teaching.

One potential resource for the future is the unused roof of one of the buildings, which offers a grand

9. Self-Evaluation Process -

- Observation and findings

Our Committee's Evaluation of the Self-Study Report

The Self-Study Report is adequate. It should be commended for the brevity and comprehensiveness of its Report. The assessments, critiques, and conclusions in the Report were notable for their pragmatism and candor (e.g., regarding the issue of building renovation). In formal terms, bullets were used with particular effectiveness. A more prominent table of contents and tabs or dividers to separate the different sections would have made it easier for readers to use.

The Process

The Report's description of the Self-Study Process offers the appropriate level of detail. It demonstrates how the mandated CHE assessment is embedded in a more comprehensive practice of assessment that goes on continuously across all Departments at Hebrew University. A small group appears to have researched and written this particular Self-Study report. Faculty and others were involved in all steps of the process, however, including the design of the process, the gathering of information, and the identification of strengths, weakness, and priorities for change. The result of this process was a solid, informative Report, which offered an excellent foundation for our Committee's work. The Self-Study will offer a platform for on-going self-evaluation and is readily available for both members of the Law Faculty's community and others to read.

Chapter4: Summary of Recommendations and Timetable

In the pages that follow, we make some friendly suggestions for how HUJI law faculty might achieve its goals even more effectively.

Advisable:

1. As discussed above, to the extent that it is a University priority for faculty members to seek competitive grants, the University should allow faculty members to buy out a part of their teaching obligations, so long as the terms of the grant permit it.
2. LLB program:
 - a. Joint programs are extremely valuable educationally but require a great deal of curricular and administrative coordination in order to achieve their potential. This is an area in which the university can play a useful role in helping the different faculties coordinate. In particular, a joint degree program will not be effective if it simply loads 50% more courses on to already over-committed students.
 - b. Clinical legal education has become a standard part of legal training. This means that the University needs to take the cost of clinical education into account in determining the cost of educating a lawyer, and, longer term, needs to figure out an appropriate status for clinical faculty. Ad hoc arrangements work during the launch period of a new initiative but not long term.

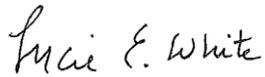
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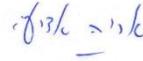
Prof. Edward B. Rock



Prof. Silvia Ferreri



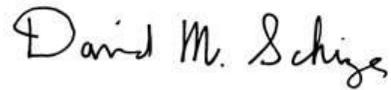
Prof. Lucie E. White



Prof. Arye Edrei



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 -Schedule of site visit
Hebrew University

Wednesday, December 10,2014

Time	Subject	Participants
9:-9:0045	Opening session with the heads of the institution	Prof. Menahem Ben Sasson- President Prof. Asher Cohen – Rector Mount Scopus, Administration Building, Second Floor (room 506), University Campus
10:00-11:00	Meeting with the Dean of Faculty of Law	Mount Scopus, Hirsh Building, Second Floor (room 138), University Campus
11:00-12:30	Meeting with senior academic staff (representatives of relevant committees)*	Prof. David Gliksberg Prof. Guy Davidov Prof. Eyal Zamir Prof. Miri Gur Arye Prof. Daphna Lewinsohn-Zamir Prof. Guy Harpaz Dr. Margit Cohen
12:30-13:30	Lunch (in the same room)	Closed-door meeting of the committee
13:30-14:15	Meeting with Adjunct academic staff (clinical supervisors)*	Prof. Tomer Brody Dr. Einat Albin Adv. Tammy Katzabian Adv. Lana Veror Adv. Vardit Damari
14:15-15:15	Tour of facilities: classrooms, library, labs, offices	
15:15-16:00	Meeting with Junior academic staff *	Dr. Einat Albin Dr. Karen Winchell Dr. Benny Porat Dr. Ori Herstein Dr. Michal Shur-Ofri
16:00-16:45	Closed-door meeting of the committee	

Thursday, December 11, 2014

Time	Subject	Participants
9:30-10:30	Meeting with BA students**	Zohar Drookman Shai Belz Uri Hakim Alon Vittenberg Lior Plotkin Tal Nisim
10:30-11:30	Meeting with MA students**	Yoav Edelist Merav Basson Shiran Zelig Valerie Mongare Tamar Segev
11:30-12:30	Meeting with PhD students**	Omri Ben zvi Limor Yehuda Ronen Poliak Yaheli Sharshevsky Yehudit Dori-Stone
12:30-13:30	Meeting with Alumni**	Adv. Mattan Meridor Adv. Maya Lesser Elena Chachko Johnathan Green
13:30-14:30	Lunch and closed-door meeting of the committee	
14:30-15:00	Summation meeting with dean of faculty of Law	
15:15-16:00	Summation meeting with heads of institution	Prof. Menahem Ben Sasson- President Prof. Asher Cohen – Rector Mount Scopus, Minhala Building, Second Floor (room 506), University Campus

* 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.