



Committee for the Evaluation of Law Study Programs

Netanya Academic College

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 June 2014, the Committee held its visits of evaluation, and visited and visited Netanya Academic College, Ono Academic College and Bar Ilan 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 Netanya Academic College. The Committee's visit to Netanya Academic College took place on June, 11th, 2014.

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

The Committee thanks the management of Netanya Academic College 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 Netanya Academic College

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

Netanya Academic College offers a basic legal education with a few special features. Most notable is its success in developing courses and programs on Islamic and middle eastern law that are taught in Arabic. Still very much run by its founding dean, NAC would benefit from wider participation in governance, and an infusion of new blood.

In terms of its academic program, NAC should develop more opportunities for small group instruction and, in particular, a legal writing program. Given its population and its mission, the emphasis on large frontal lectures is excessive.

2. Organizational Structure

- Observation and findings

Netanya Academic College is one of the oldest law colleges. It is a large institution with a relatively small faculty, necessitating large classes.

With the founding dean still heading the institution after 18 years, NAC is administered in a centralized and hierarchical fashion. Even though faculty committees exist, NAC seems to be a highly centralized organization with very little distribution of authority, deliberations, or room for initiatives that are generated by members of the faculty, impeding dynamic rejuvenation and new ideas. This is aggravated by the fact that, as in other law colleges, many of the faculty members are senior professors who have retired from various universities, from whom, at the twilight of their careers, one cannot expect initiative or active involvement in the institution.

The centralized administration seems to impede innovation in pedagogy, teaching methods and content. We believe that the institution must find ways to invigorate and rejuvenate the administrative approach and to expand the range of academic activities to include seminars and conferences that might attract and engage the students as well. Currently, the students are only exposed to traditional classroom educational activities, which are generally conducted in large groups utilizing somewhat outdated approaches and content. To accomplish this, NAC should recruit additional young faculty members who are eager to teach with

dynamic pedagogical methods and engaging course content, and to integrate them into the organizational system.

The college has the right to promote faculty members to the status of senior lecturer with tenure. Yet, we had difficulty discerning which members of the faculty have tenure and which do not, and by what process these issues are decided. We were bothered by our impression that the faculty members preferred not to discuss this subject.

3. Mission and Goals

- Observation and findings

Although the mission statement in the self study is somewhat generic, our visit showed that Netanya does, in fact, have an important and distinctive mission that it is committed to: to open legal education to students from the periphery while also, by its location, building up Netanya. In particular, Netanya Academic College quite effectively reaches out to Arab and Druze students who impressively constitute around 15% of the student body.

4. Study Programs

- Observation and findings

NAC offers two degrees: the LLB (1398 students) and the LLM (59 students). We will discuss the programs separately.

The LLB Program

NAC's LLB program offers a well-designed, basic education in law, with some special programs for outstanding students.

Most of the instruction is provided in required courses in standard areas of law (Torts, Contracts, etc). The courses are taught in large groups (115-150 students), with supplemental "exercise" sessions accompanying around 40% of the courses. SS at 12. Students are required to take two seminars, one in the third year and one in the fourth, with seminars ranging from 10 to 25 students. Students also have a limited opportunity to choose elective courses, which are taught in substantially smaller groups. Finally, students have limited opportunities to participate in the various "clinical" programs offered. NAC's "clinics" range from learning opportunities that are quite similar to the U.S. version of clinical education (e.g., the Legal Aid Clinic in which students provide legal advice to clients, SS at 37) to other sorts of hands-on experiences that would not be called clinics in the US (e.g., the Clinic for Drafting Documents, a course that teaches basic legal drafting skills

using previously prepared fact patterns, SS at 39). However these courses are categorized, they seem to be valued by the students and provide useful skills training, and around 250 out of 340 students participate in one of these courses. SS at 39.

In addition to the basic course of study, there are several supplemental programs worthy of special attention. For the most outstanding students, NAC offers a “class of excellence.” This program, structured as a “clinic,” invites leading practitioners to lecture on property law and business law throughout the year, thereby exposing students to some cutting edge legal issues, as well as exposing them to top practitioners. This is thought to help those students secure high quality internships. In 2012/13, forty one students participated in the Class of Excellence. SS at 39.

Unique among Israeli law schools, NAC runs a program in which Arabic speaking students are able to study “Legal Systems of the Middle East” at the University of Amman. SS at 18. This is a remarkable accomplishment. This particular focus on providing Arabic language learning opportunities for those with command of the language carries over to offering some Islamic law classes in Arabic.

Like other law colleges, NAC struggles to provide adequate small group learning experiences. This is in part a consequence of the high student faculty ratio, although it is worth pointing out that , with a student faculty ratio of 48:1 (1398 LLB students / 29 “full time” faculty), NAC is far from the 80:1 maximum established by Malag, and well below the average student faculty ratio at other law colleges.

Recommendations:

Advisable:

1. As noted above, there is a lack of small group learning opportunities at NAC. Moreover, there are few opportunities for intensive instruction in writing. We recommend that NAC initiate a comprehensive first year writing and research program in small groups of no more than 30 students. To provide additional support and supervision in the very labor intensive process of teaching writing, we suggest that third and fourth year “Class of Excellence” students be used as teaching assistants, thereby combining their existing mentoring function with assistance in teaching legal research and writing.
2. 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.

The LLM (without thesis) Program

NAC also offers a small (59 students over two years) LLM without thesis program. From what we could tell, students in this program are mostly but not exclusively NAC graduates.

The Self Study provides very little information about the program of study for the LLM program and we are thus unable to evaluate the substance of the program. We were impressed by the students in the program with whom we met, and they seemed very satisfied with both the content of their classes and the teaching.

5. Human Resources / Faculty

- Observation and findings

According to its self-evaluation report (3.4.1.3 and table 7.2A), Netanya has 23 senior faculty teaching doctrinal courses. All have a PhD/JSD degree. Sixteen of the degrees are from Israeli law schools (11 from Bar-Ilan), with 6 from the USA and 1 from the UK. Many are actively involved in research in addition to their teaching. In addition, Netanya has 6 senior faculty members in clinical studies. As noted above, Netanya's student faculty ration is well below Malag's 80:1 maximum, and well below what is common in the other law colleges.

Faculty members have a limited role in selecting new faculty members. Selected applicants give a job talk, and then the Dean decides whether to extend an offer. This is consistent with the limited faculty role in governance that we noted in other sections of this report.

Recommendations:

Advisable:

1. NAC should recruit additional young faculty members who are eager to teach with dynamic pedagogical methods and engaging course content, and to integrate them into the organizational system.

6. Students

- Observation and findings

A number of factors combine to provide an uninspiring picture of the status of the students and the learning at the college. First, the standards for admission are

very low. In addition, many students lack a prior academic background. Furthermore, class size is generally very large. These three elements together create a learning environment that is in need of improvement.

The low admissions standards (an average matriculation score of 80 with no psychometric exam) is explained by the fact that the mission of the college is to bring academic study to peripheral population groups. This is a worthy goal in our opinion, but given the fact that the student population is relatively weak and lacking an academic background, the college must consider how it can bring its students to a reasonable level of learning skills, content acquisition, and motivation. We do not believe that the college has taken the necessary steps in this regard, as we will discuss in greater detail further on.

The number of students in each class is high, approximately 150, and even the related exercise sessions are quite large. Furthermore, there are very few elective courses. The college thus offers very few courses that are presented within the format of small study groups, such as seminars and the like. As a result of this fact, the students are hardly exposed to an interactive learning environment in which they can receive personal attention from the lecturer, aspire to stand out, or become personally involved in the lesson. Most classes are taught in a frontal fashion in a lecture hall setting to a large heterogeneous group of students. This contributes to the many complaints that we heard about low levels of attendance, disruptions in class, and a lack of order.

The unique character of the student population requires placing greater emphasis on instructional goals and methods. To accomplish this, the college must either increase the size of its faculty or increase the hours of instruction provided by the existing faculty combined with a reduction in research and publications. NAC should aspire to create an atmosphere in which a significant portion of the courses are offered in smaller groups of no more than 75 students, in which there are more elective courses in which the number of participants is limited to between 20 and 40 students, and in which more courses are offered in interactive formats such as workshops and seminars.

It should be noted in this context that the college has created a group of outstanding students that are provided the opportunity to engage in more significant study. This initiative reflects the fact that the college recognizes some of the problems regarding the classes and the heterogeneity of the student population. As such, this effort is praiseworthy. Nevertheless, the college still needs to establish programs designed to advance the weaker students, both because they represent the majority of the student body and because this is an important goal of the college's mission. Similarly, the college's positive relationship to its Arab students and its efforts to support and integrate them are worthy of note.

7. Teaching and Learning Outcomes

- Observation and findings

In addition to providing a solid basic legal education, NAC also assists its students in securing internships and in passing the bar exam. NAC does this through its placement center and through a contract with a private bar-preparation company, Machshavot. SS at 54. Impressively, as well, NAC is able to provide systematic data on the key outcomes, and the results speak for themselves. NAC reported that 90-91% of the graduating class continues on to staj; 80% ultimately pass the bar.

These figures are confirmed by the Bar Association. In the November 2012 bar exam, 79 NAC students took the exam, of whom 70% passed (55 graduates). In the May 2013 bar exam, 232 students sat for the exam, of whom 81% passed (188 graduates). Together, then, 311 students sat for the exam, 243 passed, or 78%. SS at 50, 54.

Recommendations:

Essential:

1. As we discuss in our general report, we recommend that NAC 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 NACM in meeting its mission and goals.

8. Research

- Observation and findings

There are a number of faculty members at the college with impressive achievements in research in their fields, including publications, participation in conferences, and instruction at universities abroad, as well as involvement in committees and regulatory processes in Israel. We are likewise impressed that many faculty publications focus on practices in their respective fields in Israel, at times including a comparative and/or critical perspective.

Nevertheless, the larger picture of the research achievements of the faculty in general is not particularly impressive. The relatively small faculty includes a significant number of professors who have retired from other institutions with impressive research credentials. The integration of these "second career" faculty members with the younger and more dynamic faculty members has not been successful. The school needs to be diligent in recruiting younger faculty members with a commitment to research, and must provide adequate research support.

At the same time, the mission of NAC and the preparation level of its students require increasing the instructional resources, either through hiring more faculty or by developing various tracks with different demands for faculty members. NAC should consider establishing a track for faculty members with less prominent achievements in research who have a broad knowledge base and excellent teaching skills. Instructors on this track would be required to engage in more instruction. This approach would help to reduce class size and expand the course offerings, which we consider to be a critical need for the college.

9. Infrastructure

- Observation and findings

The main buildings are located in a modern neighborhood, newly developed, next to a large green park of high trees. The campus includes two dormitories with a third one to be added to accommodate students not from the immediate area. Structures for sport are already available next to the dormitories. The college also owns land on the opposite side of the forest where the college intends to expand.

The main building where classes are held is partly organized on three levels and partly on more levels to host more rooms for the administration. The obvious consequence is that the ceilings are low and corridors less wide. The elevators could be improved, especially considering the need to provide access to people with limited mobility. Even if the structure is not new and the conception is somewhat dated, showing the style of building in the 1990s, the classes are equipped with projectors and are updated to more recent technologies. What seems to be lacking is adequate space for the students to meet and discuss topics of common interest: the area that is being adapted in the basement of the library can scarcely answer this need. The library is adequate to the teaching purposes and an important section contains documents on the Spanish Jewish tradition that will in the future be hosted in an independent building leaving some room for the extension of the library, or for other uses. The teaching assistants (some of whom are studying for their PhD thesis) do not all have offices where they may leave their books and study in private conditions. The area for clinical instruction and meetings also seem very limited.

The campus has a well-equipped studio for filming and a radio station that regularly broadcasts programs.

Overall, although the building is generally adequate and attractive, there is a shortage of dedicated space for students to meet to study together and discuss material. In addition, there is a lack of office space for teaching assistants.

10. Self-Evaluation Process

- Observation and findings

The self evaluation process was carried out over a long period, beginning in 2012 and concluding in December 2013 (the uploaded version on CHE website was a draft of September 2013 where the page numbers were not included making reference to the various paragraphs somewhat difficult). While the Dean maintained general supervision (besides drafting a few chapters) and a role in coordination, faculty members were involved in the drafting of the different chapters with the cooperation of the administrative staff. The Appendices at the end of the report helped in gaining a clearer sense of the distribution of teaching duties among member of the faculty and adjuncts.

The committee was impressed with the seriousness with which NAC approached the self study and hope that it was a useful exercise for the institution.

Chapter4: Summary of Recommendations and Timetable

Within the division of the recommendations according to the implemented timetables, it is possible to divide the recommendations according to the different parties which are responsible to the implementation (the departments, the CHE/PBC etc.).

Recommendations:

Essential:

1. As we discuss in our general report, we recommend that NAC 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 NACM in meeting its mission and goals.

Advisable:

1. As noted above, there is a lack of small group learning opportunities at NAC. Moreover, there are few opportunities for intensive instruction in writing. We recommend that NAC initiate a comprehensive first year writing and research program in small groups of no more than 30 students. To provide additional support and supervision in the very labor intensive process of teaching writing, we suggest that third and fourth year "Class of Excellence" students be used as teaching assistants, thereby combining their existing mentoring function with assistance in teaching legal research and writing.
2. 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.
3. NAC should recruit additional young faculty members who are eager to teach with dynamic pedagogical methods and engaging course content, and to integrate them into the organizational system.

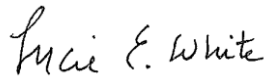
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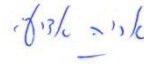
Prof. Edward B. Rock



Prof. Silvia Ferreri



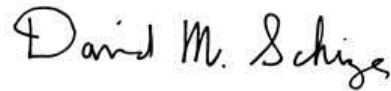
Prof. Lucie E. White



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- Tentative schedule of site visit
Netanya College

Wednesday, June 11, 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	Prof. Tzvi Arad, President Prof. Bernard Pinchuk, Rector Prof. Sinai Deutch, Senior Associate President Prof. Hadara Bar-Mor, Senior staff member
09:30-10:30	Meeting with the Dean of Faculty of Law	Prof. Sinai Deutch
10:30-12:00	Meeting with senior academic staff (representatives of relevant committees and programs)*	Prof. Bar-Mor Hadara - Associate Dean, Chairperson of the Self Evaluation Committee – Labor Law, Corporation Law Prof. Gilat Israel Zvi - Former Chairperson of the Self Evaluation Committee – Jewish Law, Family Law Prof. Plato-Shinar Ruth - Head of the L.L.M. Program and Chairperson of the Banking Law Center – Property Law, Banking Dr. Aharoni-Goldenberg Sharona - Chief Editor of the 'Moeznei Mishpat' Law Review, in charge of International Relations – Computer Law, Torts Dr. Elkins David - In charge of the English version of the Quality Self-Evaluation Report – Tax Law and Corporate Taxation Dr. Gelbard Moshe - Coordination of the Faculty Seminar, member of the Teaching Committee – Contract Law, Standard Contracts Dr. Feinstein Berry - In charge of the English version of the Quality Self-Evaluation Report – International Law, The Arab-Israeli Conflict Dr. Ofer-Tzfony Michal - Director of the Legal Clinics – Ethics, Property Law Dr. Segev Joshua - Former Editor of the Law Review until 2013 – Constitutional Law, Legal Philosophy Dr. Sagi Guy - In charge of the Faculty Syllabi – Antitrust Law - Administrative Law
12:00-12:45	Lunch (in the same room)	Closed door meeting of the committee

12:45-13:45	Tour of facilities: classrooms, library, labs, offices	Prof. Tzvi Arad, President Prof. Bernard Pinchuk, Rector Prof. Sinai Deutch, Senior Associate President
13:45-14:30	Meeting with Adjunct academic staff	Jdg. Noital Gilad Prof. Gross Imanuel Dr. Shine Chaim Dr. Hzi Margalit Dr. haiman inon Dr. peled elad Adv. Yagur Tzahy Mis. Kotzer-Sapir Chana
14:30-15:45	Meeting with LL.B. students	Almog Gil – 2 nd year Engel Levana – 3 rd year Bekerovich Ido - 3 rd year Dezubinsky Vadim - 2 nd year Hoybrger Gal - 3 rd year Zach Yam - 3 rd year Cohen Hadar - 2 nd year Levinzon Borochover Vered - 2 nd year Sadi Yara - 3 rd year Perlman Tal Shmuel - 2 nd year
15:45-16:30	Meeting with LL.M. students (without thesis)	Gez Shimon Shay Shalom - 2 nd year Haviv Miryam Miki - 2 nd year Assaraf Meir – 1 st year Shtayman Tali - 1 st year Yana Elise - 1 st year Zaatry Amir - 2 nd year
16:30-17:15	Meeting with Alumni**	Machluf Yossi Hadar Vered Toeg Michal Godesh Meir Khaikin Inga Asulin Tal Netser Omer Binyamin
17:15-17:30	Closed committee meeting	
17:30-18:00	Closing session with heads of institution and dean of faculty of Law	Prof. Tzvi Arad, President Prof. Bernard Pinchuk, Rector Prof. Sinai Deutch, Senior Associate President

* 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.