



## **Committee for the Evaluation of Law Study Programs**

**Tel Aviv University**

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:<sup>1</sup>

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).

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<sup>1</sup> The Committee's letter of appointment is attached as **Appendix 1**.

## **Chapter 2-Committee Procedures**

The Committee held its first meetings on May, 7<sup>th</sup>, 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 visits of evaluation, and visited Tel Aviv University, The Interdisciplinary Center and Hebrew 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 Tel Aviv University. The Committee's visit to Tel Aviv University took place on December, 15<sup>th</sup>-16<sup>th</sup>, 2014.

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

The Committee thanks the management of Tel Aviv University 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 Tel Aviv 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**

The Tel Aviv University Law Faculty is world-class. With a top notch faculty, and top students, it provides an excellent legal education in which it exposes its students to both traditional doctrinal analysis as well as a variety of cross-disciplinary approaches.

In the pages that follow, we make some friendly suggestions for how TAU Law Faculty might achieve its goals even more effectively. None of these suggestions should detract from our view that Tel Aviv University should view its Law Faculty as one of the jewels in its crown, and should work hard to make it even better.

### **2. Organizational Structure**

#### **- Observation and findings**

The Law Faculty has operational autonomy while the central organs of the university retain authority over key decisions including: the number of students per year that the law faculty is expected to graduate (450); the number of tenure and tenure track slots (tekanim); university funded graduate stipends; and management and payout of endowment funds. These governance features place Tel Aviv at the “centralized” end of the governance continuum.

This centralization of decision-making authority poses some distinct challenges (decentralization, of course, poses different although equally distinct challenges). As will be discussed below, there are two areas where the organizational structure has raised issues. First, the university would like the law faculty to seek and obtain outside grants, but restricts the main incentive that faculty members would have for seeking such grants, namely, buying out some teaching time. Second, for Tel Aviv to continue to thrive, it needs flexibility in accelerating slots when genuine lateral targets of opportunity appear.

## **Recommendations:**

### **Advisable:**

1. With tenure track slots (tekanim) in short supply, the University should be flexible in allocating slots when necessary to compete for genuine “targets of opportunity.”

### **3. Mission and Goals**

#### **- Observation and findings**

The TAU and Hebrew University law faculties view themselves as the leading law faculties in Israel and cooperate and vigorously compete across a variety of dimension. The mission of the Tel Aviv law faculty, like other great law faculties, is to produce cutting edge legal scholarship that makes contributions to both domestic and international debates, and to provide a first rate legal education for its students. As the self-study amply documents, and as the committee’s visit confirmed, TAU pursues its missions with enthusiasm and achieves its goals.

### **4. Study Programs**

#### **- Observation and findings**

The TAU law faculty offers a full range of degree programs.

### **LLB Program:**

The core program is the LLB degree. TAU attracts many of the best law students in Israel. Several years ago, the faculty reduced the number of LLB sections from three to two, substantially reducing the number of LLB students, and thereby making the LLB more exclusive. In order to make that decision revenue-neutral, TAU increased the number of LLM students.

### **Joint degrees:**

In recent years, an increasing number of TAU LLB students obtain a joint degree in law and another field. Almost half the LLB students now complete a joint degree. We applaud this trend as it provides an opportunity for a broader first-degree program of study along a liberal-arts model, thereby enriching the study of law. At the same time, joint degrees are still a work in progress. The challenge is to

ensure that a joint degree does not simply pile additional course requirements on an already challenging LLB program. Many LLB students already feel they cannot do all the assigned work in their law courses. Adding additional courses from another program exacerbates this problem.

The central administration can be helpful in pushing for greater coordination. As of now, 15 credits of the required 141 credits for an LLB degree can come from a student's other program. Consideration should be given to increasing the amount of "double counting," to ensure that the *quality* of the education is not swamped by the *quantity* of required credits in a joint degree. An alternative approach would be to extend the time it takes to complete the joint degree, imposing caps on the number of courses students may take in a given semester.

### **Clinical education.**

In the decade since its founding, the TAU Law School's Clinical Program has become recognized as a global model for state of the art clinical legal education. Under the leadership of founding director, Professor Neta Ziv, the clinic has launched a number of creative clinical projects, each offering students an immersion in challenging policy issues, hands-on lawyering skills, and theoretical reflection. The school is now in a period of transition, as Professor Ziv, having created TAU's world-class clinical program over more than a decade, has stepped down.

The range of the clinical project that the TAU clinic offers is quite impressive, as detailed in the Self-Study Report. These projects are many. They cover a wide swath of public issues, affecting people of every ethnic, religious, geographic, gender, and political affiliation. Several of these issues, such as a common need among all ethnic groups for affordable housing in Jaffa, enable students to work across ethnic, religious, and social divisions, often for the first time. Though some of the clinical projects relate to Israel's greatest public challenges, others, such as working with low income women's need for an adequate income or second-generation Holocaust survivors' entitlement to post-Holocaust pensions, will draw students who may not want to grapple with the nation's most divisive issues in their clinical projects.

The clinic deliberates carefully about how best to teach general lawyering skills through specialized legal clinics. Thus, regardless of the clinic's substantive focus, it teaches its students several transferable legal skills in each clinic. Thus, some clinics teach client-oriented skills in an administrative law context. Others focus on transactional skills, such as the housing development clinic. Others focus on client legal rights education, claim analysis, investigation, or counseling, while others specialize in research and writing, with regard to legal doctrine, policy analysis, foundational constitutional interpretation, and international human rights contests. Some focus on the new field of community lawyering in complex settings. And though each clinic may emphasize just one core lawyering skill, it will also teach

a range of others. And though students cannot represent clients in court, clients enter into their work both directly and through the policy issues their clinics address.

In our discussions with clinical faculty and students, we sensed some tension in the balance between pedagogical skills training and the social mission of individual clinics. In the design of an individual clinic, it is important that students be trained in all sides of the issue and that clinical activities be designed to ensure that students learn particular skills. Clinical activities should also be designed to push students to consider the individual lawyering activities within the larger political and policy contexts. For example, in an environmental clinic, a clinical seminar can introduce students to economic analysis of the costs and benefits of environmental regulation. In a refugee clinic, students can be exposed to broader policy debates about the complex economic as well as normative implications of absorbing refugees into a nation. Ideally, there should be a range of clinics within the clinical program that address issues across the political spectrum. We encourage TAU clinics to be more fully integrated with the sophisticated resources of the centers and workshops that address related issues.

Tel Aviv's clinical program has fine-tuned the idea of blending theoretical and practice-based pedagogy. In addition to the policy and theory based clinical seminars, sometimes taught with tenured/tenure track faculty, each student receives intensive skill-based instruction and mentoring from the clinic's instructor/supervisor.

Through our visit we came to understand that the clinic gets substantial funding from large, project-based philanthropic grants, which Professor Ziv has done a remarkable job of raising in a tight-budget period. Operational costs, which can be substantial, as well as clinical faculty lines are supplemented by the law school's regular budget. We were not able to tell for sure, during our short visit, whether this funding was "softer" than that granted to more "core" parts of the law school's operation. Regardless, a clinic with the scope and aspiration of Tel Aviv's can always use more funding, particularly as it moves into the era in which more clinical instruction is required of all students. The major conclusion we drew from our meeting with Tel Aviv clinicians was its impressive quality, in terms of faculty capacity, curricular/pedagogical innovation, student satisfaction, and its laudable level of social engagement.

Nonetheless, we have several Observations, not formal Recommendations, worth mentioning:

**Observations:**

1. The law school's leadership should further support its clinical program's fund-raising activities, both by helping to identify likely clinic funders, and by working with the University's central administration to ensure that the

clinic's budget is both secure over time and adequate for an excellent, and expanding, clinical program.

2. Any expansion of the clinic should not dilute the intense, high quality mentoring and instruction that the clinics now provide.
3. The clinical program should continue to identify projects that offer a range of lawyering skills as well as a range of substantively different kinds of social engagement.
4. The clinical program should maintain a good balance of clinics, so as to offer appropriate clinical options that will interest the full range of TAU's law students, in terms of their ethnicity, national origin, religion, gender identification, wealth level, political commitments, and other factors. Specifically, the clinic should choose policy, or "cause lawyering," issues that reflect a wide range of different "causes" that Israel's residents might endorse.
5. In light of the above, the clinical program's method of choosing the thematic focus of its new clinics should be *transparent*, perhaps with various stakeholders somehow involved.
6. Each clinic should expand its practice of collaboration with the law school's remarkable range of academic Centers and programs, for example, through conferences, publications, jointly appointed post-doctoral fellows, and co-supervising graduate students.

### **Recommendations:**

#### **Advisable:**

1. 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.
2. 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.

### **Domestic LLM programs:**

As noted above, the reduction of the size of the LLB program resulted in a significant increase in the number of LLM students. This has raised a variety of issues that must be addressed. 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. The TAU faculty has recently revised the LLM program, in part to respond to these challenges. For example, in 2013-14 it introduced a compulsory two-credit seminar on Theoretical Approaches to the Law and a four-credit Toolbox for Effective Lawyering. The effects of these revisions will need monitoring and assessment in the next few years.

### **Recommendations:**

#### **Advisable:**

1. In 2008, the Law Faculty reduced its LLB class and made up for the decrease in the number of LLB students by increasing the size of the LLM class. While we understand the reasons for this decision, it raises a variety of issues that must continue to be addressed:
  - Staffing the LLM courses with adjunct faculty members has not worked out. Having members of the standing faculty teach more of the LLM courses is appropriate.
  - Given that a large number of students in LLM program come from the law colleges and some do not have adequate preparation, TAU's large LLM program provides an opportunity, and has an obligation, to provide the necessary courses to bring the students up to the high level that generally prevails.

### **International LLM programs:**

In recent years, the TAU law faculty has developed several international LLM programs. These include a joint program in commercial law with the University of California-Berkeley Law School, which includes a summer of study in Berkeley, and a joint program with Northwestern University Law School in public law, with a summer of study in Chicago. These high-quality programs cater to Israeli lawyers as students. They serve distinctive professional needs especially for lawyers who for professional or personal reasons choose not to go abroad for an LLM.

TAU is also beginning an International LLM program, aimed mainly at foreign English-speaking lawyers. The specialization tracks focus on areas in which Israel has special attraction and TAU has expertise, such as Law, Global Governance and Human Rights; Law and Technology; and Law, State and Religion. This program could become important but, as it competes with LLM programs around the world, poses some particular challenges. These include balancing the desire for a distinctive program with the desire to integrate the program in a way that benefits and is benefitted by other TAU students and program; the need to maintain quality while not diverting top faculty from their other important roles; and the need to be of high value to students with competitive tuitions and scholarships while not draining resources from other programs.

Overall, these joint and international LLM programs are important in helping achieve major TAU goals of remaining connected to the international legal community in the age of globalization and promoting the TAU “brand.” TAU is emulating other top law schools worldwide in having such programs.

### **Recommendation:**

#### **Advisable:**

1. Possible limits on non-budgetary programs: There is some talk of a possible upcoming regulatory limit on the extent of non-budgetary programs. If there is a regulatory limit on non-budgetary programs, we recommend that these international programs be excluded from those limits, because of their direct relation to the core goal of addressing globalization.

### **Ph.D. program:**

The TAU faculty is justly proud of its PhD program, which since 2007 has been part of the Zvi Meitar Center for Advanced Legal Studies. The self study describes the PhD program as “one of the grand realizations of the Faculty’s mission: to achieve academic excellence by combining the best legal education with cutting-edge research.” The program now awards around 5-10 PhDs each year. The esprit and sense of community felt by the PhD students is impressive.

We have a few observations specific to the TAU PhD Law program, which the TAU self-study declared was “the leading PhD Law program in Israel,” beyond passing along the wish of students and faculty for more full stipends for the Law PhD. In addition, our observations in our general report on the state of PhD Law programs in Israel apply also to the TAU 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

scholars who receive a PhD abroad). While a Law PhD provides useful training for many other occupations than academia, it is an academic degree and the issue of job placement must be openly assessed.

Second, we observe that a Law PhD (or equivalent SJD or JSD) is not the usual PhD among American law faculties, as contrasted with a PhD in an allied discipline such as economics, political science, philosophy, sociology, or history. A Law PhD is particularly appropriate to doctoral students specializing in doctrinal legal research. But for doctoral students emphasizing an interdisciplinary approach, the challenge of a Law PhD is to provide world-class training in the allied discipline. We believe that even a top PhD Law program such as Tel Aviv's should attend to this issue.

## **5. Human Resources / Faculty**

### **- Observation and findings**

Tel Aviv University has a world class faculty, whose research employs a broad range of methodologies across many fields. The intellectual community is extremely vibrant. Members of the junior faculty emphasize the positive example set by senior faculty, who continue to approach their research and teaching with ambition and enthusiasm. There also is a deeply embedded scholarly norm encouraging faculty members to invest in colleagues' scholarship, for instance, by commenting on work at an early stage.

A crucial priority for a scholarly community is to make wise hiring decisions. Flexibility is needed to pursue targets of opportunity. This requires support from the University. Given the scarcity of slots, and the importance of assuring the quality of candidates, the University has an interest in vetting hiring decisions carefully. But a protracted process has the disadvantage, evident in a recent case, of offering peer faculties greater opportunity to compete for the candidate.

Given the importance of resources in building a great faculty, the University has encouraged law faculty to apply for grants. In some fields, grants are an essential way to support a researcher's team and facilities. But these considerations do not operate in the same way in law, since only a subset of legal scholars rely on a team to support their research, such as empiricists. For related reasons, grants are not as great a source of prestige in law as in many fields. Even so, the University has an interest in attracting more resources, which can relieve pressure on the University's tight budget.

If this goal is a priority, the University should create incentives for law faculty to apply. In our view, requiring such applications as a condition of tenure is not the best approach. It disproportionately burdens faculty at earlier stages of their careers, who may be less well positioned to attract grants (or to bear the burdens of

applying) than more senior colleagues. The mere requirement to apply, moreover, does not ensure that faculty will do so effectively. In our view, a better approach is to allow grants to provide limited relief from teaching. For example, instead of the usual annual load of 16 credits, faculty who receive grants could teach as little as 12 credits (if the grant is large enough). This is still a meaningful load. Indeed, it is the full load at Hebrew University. Tel Aviv could thus match this advantage of a peer school in a sustainable way, using a portion of the grant to replace the course. Given the deep pool of teaching talent in Israel, it should not be difficult to find a suitable replacement. A further condition could be that the school determines which course is bought out, based on the feasibility of identifying a replacement. While we expect that many law faculty members will find a limited teaching buy-out attractive, other incentives can also be crafted, including additional pay. An issue with incentives is that faculty receiving grants would be treated differently. But as long as all faculty members are eligible to apply, this differential should not undercut the collegial culture often associated with egalitarian norms.

### **Recommendations:**

#### **Advisable:**

1. To provide appropriate incentives for faculty members to seek competitive grants, a university priority, 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.

## **6. Students**

### **- Observation and findings**

TAU attracts terrific students with high scores on their matriculation exams and on their psychometric exam. The decision in 2008 to reduce the LLB class from three sections to two has allowed even greater selectivity in the LLB program. TAU students are top notch by any measure.

One striking feature of the law faculty that has now spread to the University as a whole is its creative efforts to recruit top students who may not meet the numerical thresholds. Overall, 18% of the students are accepted through alternative tracks. Particularly impressive is the “Texas program” which “seeks to target the best students in high schools that are deemed by the Ministry of Education to be in the periphery (on the basis of geographical and socio-economic factors). The top five students in each cohort are offered admission without requesting their psychometric test results.” SS at 45. In the context of the very “numbers driven” admission standards that prevail in Israel, this is a very creative initiative to identify high potential students whose psychometric scores do not meet the numerical cut-off. Also impressive is the complementary measures to support students admitted.

We likewise note the structured mentoring programs to aid in attracting Arab students. SS at 51.

The faculty is proud that the outreach efforts to Arab students has resulted in increasing the number of Arab students from 4-5 per class to approximately 20 per year. As the faculty continues its efforts in this regard, one idea to consider – is to offer an Islamic Law elective course in Arabic. Such a course is justified on purely academic grounds (just as studying Jewish law in Hebrew or American law in English is valuable, so too is studying Islamic Law in Arabic), and has a variety of other benefits as well.

## **7. Teaching and Learning Outcomes**

### **- Observation and findings**

Our committee has no observations or recommendations on teaching and learning outcomes specific to TAU. 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 PhD programs clearly reveal the number and type of academic and non-academic jobs their graduates have obtained in recent years.

## **8. Research**

### **- Observation and findings**

Tel Aviv's law faculty is composed of ambitious and productive researchers. This is a defining feature of a great law faculty, and Tel Aviv fares extremely well on this dimension. A great Israeli faculty's reputation is enhanced when its members contribute prominently to international scholarly debates. Its reputation is also advanced – and the law faculty performs a core aspect of its scholarly mission – when faculty members also develop expertise about Israeli issues and problems. In many cases, Israeli case studies can illustrate more general insights, thereby contributing to international debates. In other cases, an analysis of Israeli issues has more impact in Israel than in international debates. The faculty as a whole should make contributions on all these dimensions. The optimal balance for each individual faculty member depends on field and interests.

As discussed in our general report, the current balance in the Israeli legal academy as a whole does not sufficiently emphasize scholarly contributions that

focus on Israel. In part, this emphasis stems from tenure and promotion standards that focus on placing work in American student-edited journals. Instead of focusing on placements, we recommend focusing on the work itself, as well as on the assessment of outside reviews. Members of the law faculty emphasized that they and their colleagues are sensitive to this issue, and that leading members of the faculty set an example by regularly publishing work in Hebrew. Senior representatives from the University also indicated that they understand this issue and its implications.

## **9. Infrastructure**

- Observation and findings

### **Overall Assessment**

Overall, the TAU Law Faculty's infrastructure is more than adequate to its many teaching and research activities. The space is inviting, with plenty of natural light and bold color in an open design. The classrooms permit all of the types of teaching currently offered. The many research Centers have dedicated space. The Faculty is continually improving the space within its current budget. A good example is the creative renovation of under-utilized space for the Zvi Meitar Center for Advanced Legal Studies, which provides dedicated space for each PhD student, as well as a seminar room for high level research colloquia and workshops.

As the Law Faculty's pedagogical innovation, expanded degree programs, research activities, and off-campus collaborations continue to evolve, it goes without saying that the Faculty could make further infrastructural adaptations and expansions. More tailoring of space to specific research Centers and teaching modalities and so-called "smarter" classrooms, which can enable real-time long-distance co-teaching are but two examples. Yet given clear budgetary limitations, the Committee cannot recommend increased infrastructure funding for TAU's Law Faculty at this time. Rather, we commend the Faculty's creative adaptation of the space it has to its teaching and research programs, its on-going re-assessment of its architectural needs, and its success at alumni fund-raising for specific infrastructure priorities.

### **Specific Observations from Tour of Facilities**

The foyer, with adjacent coffee and snack bar, offers ample attractive space for students to mingle socially and interact.

The faculty offices we visited were well lit with natural light.

Though the large classroom and seminar rooms we visited were adequate, the Faculty would benefit from more classrooms and collaborative learning spaces

of varying sizes, including classrooms with more advanced electronic capacities, and adequate for the largest frontal lecture classes and Faculty-wide events.

Each research Center and the clinic have adequate dedicated space, all of which, with additional funding, could be improved.

The library is an inviting space for students to use. Although we did not get a lengthy tour of the facility, the staff appears well qualified for the transition to an information-system based library system. A course on the use of electronic legal data-bases is mandatory for each LLB student. The library is generally accessible to users with mobility difficulties.

## **10. Self-Evaluation Process**

### **- Observation and findings**

The Committee did not focus on the Self-Evaluation Process itself at length in Site Visit. Our Comments are therefore based on our review of the Self-Study Report itself, and in particular its account of the process through which the Report was compiled and written.

### **The Committee's Assessment of the Self-Study Report**

The TAU Law Faculty's Self-Study Report is exemplary. In many respects, it is a model for the best reporting that a law faculty can do within the constraints of the CHE's current "one size fits all" framework.

Several features stand out. The first is the length. Though obviously the result of painstaking research, analysis, and synthesis, the Report itself is exemplary in its focus, clarity, astuteness, and, not to be discounted, brevity. The second is the formal organization. Many formal features of the Report stand out as thoughtful and creative *ex ante*, even if apparently obvious *ex post*. These include features like starting the Report with a concise executive summary followed by a table of contents (!); including the most relevant data spreads within the text while locating others in easily accessible appendices; highlighting current faculty research by including an easily accessible up-to-date comprehensive faculty bibliography; highlighting chapter headings and sub-headings in red type; including the CD of appendices with the Report; and supplementing the originally submitted Report with a supplement updating the information through the time of the Committee's visit. And finally, just to underline the fact, the fact that a Report that reflects many hours of careful deliberation, research, and drafting can, in the end, be so straightforward and so brief, is itself a signal accomplishment.

## **The Process**

The Faculty's process is striking in several respects. First, the process itself was created through a careful, deliberate, and collaborative "pre-process," which was key to the success of the entire endeavor. This process included consultation with groups that had completed Self-Study Reports in the last (uncompleted) round of the CHE Law Faculty Assessment process. Second, the Faculty's Self-Study Committee was careful to include *all* constituencies (such as faculty, each group of students, staff, etc) and *all* entities within these constituencies (e.g., every faculty committee), in the process. Third, the Self-Study Committee was persistent in getting all of the relevant information requested in each sub-heading of the Report template. Fourth, though the Faculty had a long-standing culture of self-evaluation in place at the time of the CHE process, the Faculty used the mandatory Self-Study to reinforce, rather than cut against, that culture.

## **The Self Study Committee's Reservations about the Reporting Process**

At the end of Chapter 5, the Self Study Committee expressed concern about the rigidity of the framework it was required to use for the Self-Study and Report. In particular, the Report notes that the entire process took an inordinate amount of time (as much as the production of 15 law review articles!). The Report posed the question of whether the CHE could allow Faculties more flexibility in tailoring the Self-Study template to their own Faculties' particular features and needs. Although we recognize the obvious value of a tight framework for the self-study process, we also endorse the TAU Faculty's concern and observe that in designing the next Law Faculty Quality Assessment the CHE might revise the self-study template to eliminate overlapping questions and other non-productive burdens on faculty time.

## **Chapter4: Summary of Recommendations and Timetable**

In the pages that follow, we make some friendly suggestions for how TAU Law Faculty might achieve its goals even more effectively.

### **Advisable:**

1. With tenure track slots (tekanim) in short supply, the University should be flexible in allocating slots when necessary to compete for genuine “targets of opportunity.”
2. 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.
3. 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.
4. In 2008, the Law Faculty reduced its LLB class and made up for the decrease in the number of LLB students by increasing the size of the LLM class. While we understand the reasons for this decision, it raises a variety of issues that must continue to be addressed:
  - Staffing the LLM courses with adjunct faculty members has not worked out. Having members of the standing faculty teach more of the LLM courses is appropriate.
  - Given that a large number of students in LLM program come from the law colleges and some do not have adequate preparation, TAU’s large LLM program provides an opportunity, and has an obligation, to provide the necessary courses to bring the students up to the high level that generally prevails.
5. Possible limits on non-budgetary programs: There is some talk of a possible upcoming regulatory limit on the extent of non-budgetary programs. If there is a regulatory limit on non-budgetary programs, we recommend that these international programs be excluded from those limits, because of their direct relation to the core goal of addressing globalization.

6. To provide appropriate incentives for faculty members to seek competitive grants, a university priority, 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.

**Signed by:**



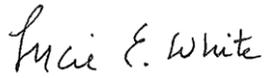
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Prof. Edward B. Rock



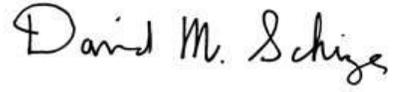
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Prof. Silvia Ferreri



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Prof. Lucie E. White



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Prof. David Schizer



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Prof. Stewart J. Schwab

***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**

**Monday, December 15, 2014**

<b>Time</b>	<b>Subject</b>	<b>Participants</b>
8:30-9:00	Closed-door meeting of the committee	
9:30-9:00	Opening session with the heads of the institution and the senior staff member appointed to deal with quality assessment	
9:30-10:00	Meeting with the Dean of Faculty of Law	
10:00-11:30	Meeting with senior academic staff (representatives of relevant committees)*	
11:30-12:00	Meeting with Junior academic staff *	
12:00-13:00	Lunch (in the same room)	Closed-door meeting of the committee
13:00-14:00	Tour of facilities: classrooms, library, labs, offices	
14:00-15:00	Meeting with Adjunct academic staff (clinical supervisors)*	
15:00-15:30	Closed-door meeting of the committee	

**Tuesday, December 16, 2014**

<b>Time</b>	<b>Subject</b>	<b>Participants</b>
9:00-9:30	Closed-door meeting of the committee	
9:30-10:30	Meeting with BA students**	
10:30-11:30	Meeting with MA students**	
11:30-12:30	Meeting with PhD students**	
12:30-13:30	Meeting with Alumni**	
13:30-14:30	Lunch and closed-door meeting of the committee	
14:30-15:00	Summation meeting with heads of institution and dean of faculty of Law	

\* 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.