

Temple University Beasley School of Law

Standards for Contract Renewal and Promotion of Full Time Clinical Faculty **Appendix -Law School Faculty Review Guidelines**

The standards, policies and procedures for contract renewal and promotion of Full Time Clinical Faculty are set forth in the Beasley School of Law Standards for Contract Renewal and Promotion of Full Time Clinical Faculty (“Standards”) and the Policies and Procedures Governing the Full Time Clinical Faculty (“Policies and Procedures”). This Appendix contains guidelines which reflect the expectations of the Law School Faculty with respect to the assessments required under these standards, policies, and procedures by the Faculty, Faculty Review Committee, and Faculty Progress Panels, as well as the reports and other documentation appropriate to the discipline of Law for the review and promotion of clinical faculty. This Appendix also suggests the kinds of evidence that should be considered in the evaluation of scholarship, teaching, and service. The entire array of activities and achievements described below is not expected of any particular FTC faculty member. This Appendix supplements, but does not modify or supersede, the Law School’s standards, policies and procedures.

The Review Process Generally

Each contract renewal and promotion file should be viewed as a whole. The appropriate Faculty should determine whether an FTC faculty member’s total body of work presents a record of outstanding performance and continuing promise of outstanding performance as an FTC faculty member. The evidence presented in the file should be evaluated as a whole, considering the relationship of each aspect of the FTC faculty member’s performance to his or her performance in other areas, and giving primary consideration to teaching.

When an FTC faculty member seeks renewal or promotion, he or she should submit copies of his or her body of scholarship and evidence of teaching and service since the last review. However, the Faculty and external reviewers should consider the FTC faculty member’s entire curriculum vita and body of work in determining whether the accomplishments meet the standard for renewal or promotion.

If new material information concerning contents of the file comes to light during the review process, the FTC faculty member should make that information available. For example, an FTC faculty member should notify the Faculty Review Committee or Progress Panel of the acceptance of an article under review, of the publication of a work in press, or of reviews and other evidence of influence of the work, etc.

Confidentiality

The contents of promotion and review files shall be treated as confidential personnel files.

Within the Law School, access is limited to members of the Tenured Faculty, the Dean, and other administrators and/or faculty authorized to assist in the evaluation and documentation of progress reviews and recommendations with respect to promotion. FTC faculty members who are being reviewed may also have access to the contents of his or her file, but do not have access to the identity of the external evaluators.

When required by law or the orders of courts or agencies with jurisdiction over the University's personnel processes, an FTC faculty member's full promotion and/or tenure file will be provided to the appropriate court or agency.

Teaching

Teaching should be assessed with attention to the style or format of the FTC faculty member's teaching assignments (*e.g.*, large enrollment exam courses, seminars and other types of writing courses and guided research projects, simulation performance and skills courses, clinicals, group tutorial or other forms of individualized instruction, master's thesis supervision). All teaching should be evaluated, including teaching from first year courses through upper level and advanced degree courses, teaching at various campuses or locations, supervising student journal authors, supervising clinicals and internships, advising students about academic matters, and involvement with teaching-related student activities.

Significant consideration should be given to the unique demands of clinical teaching methodology. Clinical teaching includes teaching effective lawyering skills. Primarily, this teaching is done in live client clinics by having students represent clients, although occasionally it can involve teaching students to act in other capacities that are typically taken on by attorneys. Clinical teaching includes both classroom instruction and supervision and is premised on the ability to analyze and reflect upon the planning and decision-making processes of lawyers. It requires an intellectual and practical understanding of teaching law and legal skills in the context of the legal profession's responsibility to society. It includes ensuring that clients are appropriately selected and competently represented. It involves mastery of the practice area, the ability to impart the skills pertinent to the relevant clinic, familiarity with the premises of clinical methodology, and the capacity to inspire professional commitment and excellence of one's students.

Both classroom instruction and case supervision require an intellectual and practical understanding of law and legal practice. The basic questions in evaluating clinical instruction concern the ability to identify appropriate teaching objectives; to prepare and select teaching materials (including appropriate clients) that support those objectives; and to select, use, and integrate diverse teaching methods to achieve those objectives. In accord with the emphasis on experiential learning in clinical pedagogy, classroom teaching will be highly interactive and reflective with an emphasis on both substance and process.

Much of clinical teaching is done through one-on-one supervision of case assignments. The FTC faculty member should demonstrate an understanding of supervision skills and be able to describe his or her use of supervision as a teaching tool to help students reflect on their work and improve their legal skills. The basic questions in evaluating clinical supervision concern a candidate's ability to use directive and non-directive supervision techniques, as appropriate, to help students formulate goals, explore options, exercise professional judgment, and plan strategy; to foster clinical students' ability to evaluate their own performance; to provide timely, detailed, constructive feedback to students; to ensure that students are taught to provide high quality, professional legal representation; and to ensure that students gain a practical understanding of the lawyer's ethical responsibilities. In particular, good clinical pedagogy will involve individual scheduled and unscheduled dialogues with students in the form of face-to-face meetings both at the Law School and in court, It will also include email and phone communication and the written comments on student work products.

Development of curricula and courses is also an important contribution to teaching. Innovations in teaching methods or instructional methodology, including technological advances, should be evaluated. Evaluation of teaching should take into account the instructional materials of a course, including syllabus; exams; materials prepared by the FTC faculty member such as supplementary course readings, problems, or workbooks; and various forms of learning technology.

The quality of an FTC faculty member's teaching may be evaluated by various methods, including but not limited to conferences with the faculty member to identify specific teaching objectives and their use of supervision in teaching, peer evaluations of classroom instruction (including peer adoption of materials or assignments), student evaluations, and assessments of the quality or significance of curricular and teaching materials, teaching awards, papers and publications on teaching, critiqued papers, student work products, and other student outcomes. With the understanding that clinical teaching is both client and student based, the evaluation process should be structured to protect both the privacy of students and the confidentiality of clients.

Reviewers should consider the development and improvement of course content, the breadth of a faculty member's teaching experience, the FTC faculty member's methods of assessing student performance, and his or her teaching techniques to determine whether the FTC faculty member is steadily engaged in the improvement of teaching and to assess whether he or she is likely to continue to do so in the future. Student work, collected in a systematic, representative way, may serve as evidence of teaching effectiveness.

Commitment to long-term outstanding performance in teaching is also demonstrated by responsiveness to evaluations of teaching by peers and students, participation in professional development programs, work in developing new courses or improving existing courses, and

public lectures or other presentations to professional conferences, faculty and/or student groups, or community groups. Published textbooks or other published instructional or pedagogical materials are evidence of outstanding teaching ability, and should be evaluated according to their quality and influence. Pedagogical articles and similar studies of instruction should usually be considered as evidence of teaching, and should be evaluated based on their quality, judged by peer and external review, the character of the journal or other forum, citation of the work by others, and other indicators of the influence on teaching and learning.

Peer review of law faculty members is a vital component of the evaluation of teaching. The Policy and Procedures of the Faculty have always provided for systematic classroom visits by peers, done periodically, guided by a clear set of criteria for evaluation, and undertaken as part of a broader system of classroom visitations. Peer reviews are structured and comprehensive, and address class content, effectiveness in delivering information and engaging students in learning, and other impressions about classroom effectiveness. To the extent feasible, peer review for FTC faculty members should include review done by faculty familiar with clinical pedagogy and should include a discussion of the ways that other parts of teaching, such as supervision, will be used to supplement the teaching done in classroom visits.

Student evaluations also play an important role in the overall evaluation of an FTC faculty member's teaching. Review of the Course and Teaching Evaluation (CATE) survey results should not be limited to the overall evaluation questions and should also consider relevant individual questions. The CATE form numerical ratings and percentile rankings of a faculty member may provide some useful information and benchmarks for evaluating teaching performance, but these numbers and percentiles should not be controlling. CATE calculations are generally not done for clinical classes due to their small size. Further, it is anticipated that student evaluations may fluctuate due to the small size of classes and the group nature of clinical teaching. The narrative comments to the questions on the reverse side of the CATE form can also be a good source of information about a faculty member's teaching. It is important not to focus on only a few courses or semesters, and instead to consider all parts of the FTC faculty member's teaching while at Temple and to pay particular attention to the trend of the evaluations over time.

Other student evaluations, such as letters and testimonials, should be given weight when they are provided in response to the systematic solicitation of student comments under the Policies and Procedures of the Faculty.

Scholarship

Full Time Clinical faculty members are expected to produce scholarly work in their field. FTC faculty members may include work in progress.

Scholarly contributions may appear in the form of articles, essays, books, book chapters,

and similar works published in print or equivalent electronic formats. The work should be assessed for its importance, the rigor and quality of the work, the influence that the work has had and is likely to have on the FTC faculty member's field and the profession. Usually, the stature of the journal will not be appropriate in the assessment, because clinical scholarship is often published in journals that are different from those in which nonclinical articles are published. If the work has been reviewed in articles, review essays, or comments in the popular press, those reviews should also be considered. FTC faculty members are uniquely situated to write about matters relating to teaching experientially and about practice and non-practice issues that arise out of the subject matter of their clinical work. Short pieces in bar journals and other publications popular among practitioners and other clinical legal educators are highly valued.

Books published by an FTC faculty member should be assessed for their quality and importance. When available, published reviews of the book are relevant. Books in press may also be considered. The potential impact of work in press may be shown by evidence such as: the standing of the press and reviews by evaluators selected by the press, whether the book contributes substantially to the development of the field of clinical legal education, and how widely used the book is by other teachers or by practitioners. Copies of manuscripts in press and reviews by the press's evaluators should be read and evaluated by all those involved in an evaluation of the FTC faculty member, including when appropriate, a Review Panel, the Faculty Review Committee, the Tenured Faculty, FTC faculty members on five year contracts, and the external evaluators.

Where a publication has multiple authors, the role and contribution of each author should be assessed and should also be explained in any tenure, promotion and annual review report.

Editing of scholarly volumes or collections, journals, and reference works, as well as other published contributions, such as published abstracts and book reviews, should be carefully assessed. All those involved in an evaluation of the FTC faculty member should consider the reputation, selectivity and reviewing procedures of the publisher, published reviews, and the extent of citation.

Papers and presentations presented in any format at professional meetings make a contribution to scholarship. Invited lectures and presentations may also represent recognition of a faculty member's achievement in the field. All those involved in an evaluation of the FTC faculty member should consider the meeting at which a presentation was made: its prestige within the field, its review process, the scope of the meeting (e.g., local, national), and the audience.

Evaluating Scholarship

The full array of both direct and indirect measures should be used in evaluating scholarship to make the best assessment of a faculty member's contributions. All those involved

in an evaluation of the FTC faculty member should assess the character of the faculty member's program of research and scholarship, placing it in the larger context of the law, legal scholarship generally, and the faculty member's field specifically. They should evaluate the quality and importance of the faculty member's contributions, and state the means by which such assessments were undertaken.

The judgments of the Faculty and external evaluators are direct evidence of the quality and significance of scholarship. These are vital to the evaluation of any law faculty member. Other information about a faculty member's scholarship, such as citation counts, assessments of the stature of journals (when available), published reviews, reports of referees, etc., may also be useful to determining the importance, significance, and potential influence of the scholarship. The measures used to evaluate an FTC faculty member's scholarship should be explained by reviewers.

For a variety of reasons, it is more difficult to use any standardized measures for evaluating the influence of legal scholarship than in other disciplines. While the influence of legal scholarship is important, many factors bear on the assessment of legal scholarship. The following is a list of factors that should be kept in mind.

The most common form of legal scholarship is an article published in a law review or journal. Almost every American law school publishes at least one law review, and many publish several, including specialty journals in specific fields. The vast majority of law reviews are not peer reviewed. Most are run by law students, who select and edit articles through selection processes that are not blind. Law reviews do not follow a single-submit format; an article may be submitted for consideration to multiple law reviews at the same time. Because law reviews are not peer-reviewed, because there are no agreed-upon criteria for ranking them, and because they do not employ a single-submit system, many factors affect where a given author may choose to publish. Placement of an article is often determined by which law review acts most quickly in reviewing and accepting it. An author wishing to reach a specialized audience might choose to publish in a specialty journal targeted to that audience rather than in a general circulation law review. Sometimes, law reviews arrange symposia bringing together a number of prestigious authors, and the chance to publish with others noted in the field will attract an author. Finally, an invitation to speak at a law school may be accompanied by an offer to publish the talk in the inviting school's law review, and professors often accept such offers. Because so many factors affect placement decisions, the influence of an article does not depend on the status of the school whose law review publishes it. Finally, many articles are published on-line. These on-line publications are widely available and are read before and after they are published in hard copy law reviews. This further reduces the significance of whatever distribution and status a particular law review might otherwise have.

There is no generally accepted methodology for assessing the rank or impact of either law

reviews or particular law review articles. It is quite possible for a law review article to be cited by an influential court, but not cited by other academics. Conversely, an article may be frequently cited by other academics, but never cited by any court. Because there are so many ways in which and audiences to whom an article may (or may not) have influence, there is no agreed-upon method for assessing impact. Thus, for example, there is no acceptable “citation impact factor” system to measure a law journal’s stature in the profession.

The value of legal scholarship includes its contribution to the advancement of knowledge and its influence on courts, legislators, and other law and policy makers. The frequency with which work is cited may reflect the value of a publication. Citations in articles, books, court opinions and other legal sources, conference proceedings, and reading material for law courses should all be considered. However, because of the often considerable lag time between the writing of an article, the date of publication of the article, and the first citation of that article, citation counts of recently-published articles are not necessarily reliable indicators of an article’s ultimate influence. Further, no legal database reliably captures citations of law review articles in books or book chapters (as opposed to in other law review articles or in cases). Nor does any database reliably capture citations of book chapters or other scholarship not published in law reviews. The databases do not distinguish between the bare citation of an article or other scholarly work in a footnote, on the one hand, from an extensive discussion of the article in the text. The latter is far more suggestive of the article’s impact, but focusing on citation rates will not capture this data.

In evaluating the potential influence of legal scholarship, the number of libraries that hold a book or journal is also not a particularly meaningful measure. Most law reviews publish both in hard copy and on line. Because most legal research is conducted via these on-line databases, and virtually all law reviews are on these databases, legal libraries which may not subscribe to a particular journal in hard copy will nonetheless have access to that journal through the Westlaw and Lexis systems.

The norm in legal scholarship is for law review articles to tend to be more comprehensive, and therefore lengthier, than is the norm in many other disciplines. Reviewers should be cognizant of this in assessing the quantity and quality of a faculty member’s scholarship. A single long and comprehensive law review article may be the equivalent of several shorter essays.

External funding, grants, and awarded fellowships may all reflect a faculty member’s scholarly standing. Awards from Temple University or from professional organizations recognizing outstanding performance in scholarly work may be given weight in evaluating a faculty member’s accomplishments, considering the stature of the award and of the organization that confers it.

External Evaluators

Much high-quality legal scholarship is highly specialized. Fair and impartial evaluation of such specialized scholarship requires seeking out external experts who understand the specialized area in question. Sometimes those scholars can be found at nationally ranked research institutions, but sometimes they may be found elsewhere. In every case, the Law School should be free to consult the persons with the relevant expertise and background, wherever they might teach.

External evaluators should be scholars who are authorities in the faculty member's field of study, who can speak authoritatively to the standards of outstanding performance in that field. External evaluators normally should be tenured faculty members at a rank no lower than the one which the faculty member is seeking. If not, justification should be provided. An external evaluator may be drawn from professional practice, but such an evaluator should have a record of pertinent scholarship and should be qualified to make assessments for promotion and tenure at national, public law schools. External evaluators can be recognized by reputation, a chaired professorship at a quality law school, appointment to a position of trust in professional organizations, and work at distinguished programs. External evaluators may be drawn from nationally and internationally recognized law schools, think tanks, special research institutes, government agencies, and so forth.

Reports by and to the Tenorial Faculty should include brief biographies of all external evaluators and other information regarding their qualifications. Reports should specify whether external evaluators were nominated by the FTC faculty member or identified by reviewers.

All external evaluators should be provided with the FTC faculty member's curriculum vita and with such items of the FTC faculty member's scholarship as the external evaluator will need to make an adequate assessment. Letters of evaluation should comment on the quality of the FTC faculty member's scholarship, the recognition the FTC faculty member has achieved in his or her field, and the FTC faculty member's potential for continuing and greater achievements in the field.

The external evaluations must include an assessment of scholarship, and may also include comments on teaching and service. External evaluators may comment on elements of the FTC faculty member's teaching, based on published instructional materials, presentations by the FTC faculty member at professional meetings, performance of students trained by the FTC faculty member, or other direct evidence. They may also provide information about an FTC faculty member's service to the profession or discipline and work with governmental or private entities.

External evaluators should compare the FTC faculty member with others they have recently reviewed, at their own institutions or in other external evaluations, and be asked to

assess whether the FTC faculty member meets standards for promotion, multi-year contracts or tenure at nationally recognized law schools.

Service

Outstanding discipline-related service to the Law School, to the University, to legal academia and the profession, and to the community and larger world is valued in contract renewal and promotion decisions. Annual Review Panels, the Tenorial Faculty and FTC faculty members on five year contracts involved in an evaluation of an FTC faculty member should evaluate both (a) the evidence of the FTC faculty member's service to the Law School, the University, the profession, and the larger community and (b) the quality and importance of those contributions, including the means by which such assessment was undertaken. Service includes, in addition to general law school committee assignments and the like, the delivery of high-quality legal services. It is understood that due to the nature of clinical teaching, the provision of many of the legal services attributable to an FTC faculty member will be performed by law students under the FTC faculty member's supervision. Independent evaluation of the scope and effectiveness of an FTC faculty member's service should be obtained wherever possible. Service which requires commitment of time, expertise, and professional judgment is evidence of significant performance. In service, an FTC faculty member may be expected over time to successfully undertake progressively more serious responsibilities within the Law School, the University, the profession, and in the larger community. All those involved in an evaluation of an FTC faculty member should also consider awards for service granted by the Law School, the University, professional organizations, or community groups.

In evaluating service within the Law School and the University, distinctions should be made between very important and nominal service assignments, between brief and extended service, between regular and sporadic participation, and between effective and ineffective involvement. An important form of service within the Law School is assistance to students and student organizations. Faculty members who participate effectively as advisors or mentors for students or student organizations contribute significantly to the quality of student life and to the Law School.

In the context of clinical legal education, special consideration should be given to the service that must be done to support work in clinical settings. Among those things may be the fostering of relationships with other entities serving similar clients and developing links to other clinical programs. Further, as new FTC faculty members begin to work at our school, meetings of clinical faculty are necessary to facilitate appropriate orientation and mentoring. All members of the FTC Faculty are expected to participate and cooperate in ensuring the effective implementation and continuation of their clinic and consistent, high quality of instruction across the clinical curriculum.

Community or public service entails the application of a faculty member's knowledge of

his or her discipline on behalf of individuals, foundations, agencies, organizations, or other groups in the public or private sector. Professional service includes work in professional organizations, reviewing manuscripts, evaluating faculty members and programs, work in licensing and professional review committees, advice to government agencies, and other similar activities. A special form of community service is pro bono client service undertaken in the context of a university program or a program sponsored by government, private or public non-profit entities that serve the community.

Service within the legal community may involve responsibilities in academic and professional associations, such as serving as editor of a journal, reviewing manuscripts for journals or publishers, serving on accreditation panels or program review committees at other institutions, or serving as an officer or committee member of professional associations. Service to the profession may include serving on examining or licensing bodies or similar governmental entities, serving on grievance or professional practice committees, sitting on advisory commissions, advising government agencies or private entities, publishing practitioner guides or other materials, and similar activities. Reviewers should describe the importance of the journal, organization or body, and the nature of the FTC faculty member's contributions.