

Mercer University School of Law

Policy Committee Proposal:
Nature and Term of Appointments for
Teaching Legal Writing

At the February 19, 1992 faculty meeting, the faculty authorized the extension of the contracts of the Teaching Fellows for a third year and charged Professor Edwards with formulating a proposal that would clarify the normal expectations concerning the nature and term of these positions. Since such a proposal falls within the scope of the Policy Committee's responsibility, Professor Edwards has brought the issue to the Committee.

Policy Committee Proposal

The Policy Committee recommends that legal writing teachers be hired initially on a one-year contract. These contracts would be renewable for two additional one-year terms upon a favorable recommendation of the Director of Legal Writing, if confirmed by a two-thirds vote of the faculty present and voting. The criteria for reappointment for the second and third years would be:

1. Effective teaching.
2. Contributions to the school beyond classroom teaching, such as coaching moot court teams.
3. Good programmatic citizenship. This would include good team work, compliance with policies of school and program, and an appropriate balance between individual initiative and acceptance of direction.

The three years spanned by these three contracts compose a normal term.

During the third year of teaching, a legal writing teacher with a continuing professional commitment to teaching legal writing could apply for the first of an uncapped series of two-year contracts. These contracts would also be extended only upon the favorable recommendation of the Director of Legal Writing and confirmation by a two-thirds vote of the faculty present and voting. Criteria for each two year appointment would be similar to the criteria for contract renewal during the first three years, but the standards would be higher:

1. Excellent (as opposed to merely effective) teaching.
2. Significant (as opposed to merely ordinary) contributions to the school beyond classroom teaching.
3. Excellent (as opposed to merely good) programmatic citizenship.

Both the second and third criteria could include participation in the AALS Legal Reasoning, Research, and Writing Section or the Legal Writing Institute, or other such activities. Appropriate funding should be made available to encourage legal writing teachers to participate in these professional activities.

The Committee further proposes that this policy be effective immediately upon adoption, with respect to both incumbent and prospective legal writing teachers as applicable.

PROCEDURES FOR PROMOTION OF CLINICAL AND LEGAL WRITING FACULTY

A. General Procedures

1. Request for Promotion to Clinical Associate Professor or Associate Professor of Legal Writing
 - a. A Clinical Assistant Professor or Assistant Professor of Legal Writing who desires to be considered for promotion to Clinical Associate Professor or Associate Professor of Legal Writing for the following academic year shall so inform the Dean before December 1 of the current academic year.
 - b. Promotion decisions will be made at a meeting held in March, although the progress of individual Clinical or Legal Writing Faculty may be considered at other faculty meetings throughout the year, as well.
 - c. The procedures at decisional meetings will be as follows:
 1. The Clinical or Legal Writing Faculty Teaching Evaluation and Review Committee (see §B) will submit its report on the candidate's teaching and community service.
 2. The Dean will report on the Clinical or Legal Writing Faculty Member's teaching.
 3. Each faculty member will have an opportunity to make an individual statement concerning the clinical or legal writing faculty member. Upon completion of all individual statements, the faculty may engage in an interchange of views with respect to the candidate.
 4. Eligible faculty will vote by secret ballot.
 5. To foster the full and forthright exchange of views, all deliberations regarding promotion will be kept in the strictest confidence by all participants.
 6. Unless otherwise agreed, the Dean, immediately upon the adjournment of a decisional meeting, will transmit each decision to the clinical or legal writing faculty member affected.
 7. A sixty percent majority vote, of those faculty members present and voting, will be required for promotion decisions.
 8. When unusual circumstances appear to call for a modification of these

procedures, the Teaching, Evaluation and Review Committee for a particular individual and the Dean should recommend, preferably for adoption at the March meeting, modifications for dealing with the particular situation.

9. Decisions emanating from this process will not be reexamined in the absence of substantial evidence that there were serious defects in the process as applied to the particular candidate. Such defects would include, but not be limited to, the failure to report critical evidence regarding the candidate's abilities as a law teacher or contributing member of the community.

2. Request for Promotion to Clinical Professor or Professor of Legal Writing

- a. A Clinical Associate Professor or Associate Professor of Legal Writing who desires to be considered for promotion to Clinical Professor or Professor of Legal Writing for the following academic year shall so inform the Dean no later than December 1 of the current year. The procedures for promotion to Clinical Professor or Professor of Legal Writing will parallel those set forth for promotion to Clinical Associate Professor or Associate Professor of Legal Writing, except that the Faculty Teaching Evaluation and Review Committees will consider not only the candidate's teaching and community service, but also the candidate's legal writing or teaching materials.
- b. Evaluation of legal writing or teaching materials shall proceed as follows:
 1. A Clinical Associate Professor or Associate Professor of Legal Writing who has decided to be considered for promotion to Clinical Professor or Professor of Legal Writing should submit completed articles or other works to the Dean no later than December 1 of the decisional year.
 2. Each member of the Teaching Evaluation and Review Committee will read and report to the faculty on the written work of the Clinical Associate Professor or the Associate Professor of Legal Writing. In addition, articles and other works will be made available to other members of the faculty, who are encouraged to read them.
 3. Each article or other work should be sent by the Dean to three outside evaluators for a written report on its quality. The outside reviewers should be selected by the faculty member's Teaching Evaluation and Review Committee and the Dean or Associate Dean. The same evaluators need not be selected for all articles by a particular candidate. The Provost's Office requires a minimum of six outside evaluation letters for promotion.
 4. Legal writing submitted by junior clinical or legal writing faculty members

will be sent out for review prior to the formal promotion process. This will allow for early feedback and consultation.

B. Evaluation Committees

1. Immediately following the September Faculty meeting, Teaching Evaluation and Review Committees will be selected by the Dean, and a Committee on Committees, for each Clinical Assistant Professor, Assistant Professor of Legal Writing, Clinical Associate Professor, and Associate Professor of Legal Writing. These committees will serve until the September meeting of the following year, or until a promotion decision is reached, whichever comes first.
2. Each Teaching Evaluation and Review Committee will consist of two tenured faculty members or clinical or legal writing faculty members at rank or above. In addition, the Director will serve on the Committees for legal writing faculty. If possible, one member of the committee should have some familiarity with one or more fields in which a specific Clinical Assistant or Associate Professor teaches.
3. Each Teaching Evaluation and Review Committee will have a designated chairperson. The chairperson will be responsible for coordinating class visits, communicating with the faculty member, and assuring that timely written reports are submitted to the Dean and the tenured faculty.
4. Teaching Evaluation and Review Committees should write a report on the candidate's record with regard to the two primary factors on which promotion decisions are based, i.e., teaching and community service (legal writing and teaching materials are covered in the section of this document discussing procedures for promotion to Clinical Professor or Professor of Legal Writing), but not make a recommendation about promotion. First, the report should provide the faculty with a concise synopsis of the candidate's record that will establish a consistent base of knowledge about the candidate. Second, it will assist the Dean in the preparation of his or her report to the University about a particular candidate. Third, it will facilitate the preparation of a reference letter for any clinical or legal writing faculty member who may seek a similar position at another law school.
5. These Teaching Evaluation and Review Committees will construct a narrative report that will provide a fair synopsis of the candidate's record. The candidate will have an opportunity to review the report before it is sent to the faculty and will have an opportunity to write a response to the report in the event that the committee decides not to make changes suggested by the candidate.

C. Evaluation of Teaching

1. Teaching evaluation reports will be submitted to the faculty at the March meeting.
2. Teaching evaluation reports will be based on direct observations of the faculty member's teaching in multiple settings (e.g., classroom, courtroom) by committee members, and a review by committee members of the student evaluation forms from the preceding two semesters.
3. Each member of a Teaching Evaluation and Review committee should observe the faculty member's teaching methods in the classroom and in other settings during the academic year.
4. Each Teaching Evaluation and Review Committee member must submit to the Dean's Office a written report regarding teaching observations for each semester, no later than the end of the examination period for the semester.
5. The faculty member may review student evaluation forms only after grades have been submitted for the course. Teaching evaluation forms should be returned to the Dean by the faculty member after he or she has reviewed them. The forms should be submitted at the appropriate time to the faculty member's Teaching Evaluation and Review Committee.
6. Teaching Evaluation and Review Committees should take note of teaching problems discerned by previous committees and advise the specific faculty member and the faculty as a whole as to whether or not these problems have been corrected.