

**POLICIES AND PROCEDURES FOR  
HIRING AND EVALUATING  
FULL-TIME NON-TENURE TRACK  
LAWYERING SKILLS INSTRUCTIONAL STAFF**

These policies and procedures are for lawyering skills instructional staff (“skills staff”) of the University of Dayton School of Law (“UDSL” or “law school”) teaching in the Legal Profession Program (“Program”). They apply to each full-time staff member appointed to a non-tenure track instructional staff position in lawyering skills. A “year appointment” under this Policy is a nine-month appointment. These policies and procedures are intended to be construed consistently with current versions of the Faculty Handbook of the University of Dayton, the School of Law Policy Manual, and the accreditation standards of the American Bar Association and the American Association of Law Schools.

I. Lawyering Skills Staff: Meaning of Titles

- A. Assistant Professor of Lawyering Skills. Members of the Lawyering Skills staff who are appointed to a one-year term are Assistant Professors of Lawyering Skills.
- B. Associate Professor of Lawyering Skills. Members of the Lawyering Skills staff who are appointed to a three-year term are Associate Professors of Lawyering Skills.
- C. Professor of Lawyering Skills. Members of the Lawyering Skills staff who are appointed to a five-year term are Professors of Lawyering Skills.

II. Initial Appointment of Legal Skills Staff

- A. Procedure for New Appointments. New appointments will be made by the Dean, based on the recommendation of a Hiring Committee. This Committee shall be appointed by the Dean and shall include the Program Director, two (2) full-time non-tenure-track lawyering skills staff members, and three (3) full-time tenure-track or tenured faculty members from outside the Program. The Dean may appoint those candidates voted acceptable by two-thirds of the committee, unless there are exigent circumstances.

Lawyering skills staff members shall be hired at the rank of Assistant Professor of Lawyering Skills and shall be appointed to an initial term of one year, and, absent extraordinary circumstances, the possibility of up to

two additional one-year terms as an Assistant Professor of Lawyering Skills. These appointments are not tenure-track and may not be converted to tenure-track.

- B. Standards for Initial Appointment. A candidate for initial appointment as a lawyering skills staff member at the rank of Assistant Professor of Lawyering Skills must demonstrate the potential for excellence as a teacher and scholar of legal research and writing, as shown by educational achievement, prior practice of law, prior teaching, or other relevant achievements and skills.

### III. Appointment Renewals

- A. One-Year Appointments. To renew one-year appointments of staff members at the Assistant Professor rank, the Program Director shall conduct an evaluation of the instructional staff member and make a report to the Dean. For re-appointment, the Program staff member must demonstrate excellence in the teaching of legal research and writing and familiarity with the pedagogy of legal skills instruction.

If a one-year appointment will not be renewed, notice must be given in writing to the Legal Profession staff member not later than March 15 of the current academic year.

- B. Three-Year & Initial Five-Year Appointments. A Review Committee, appointed by the Dean, shall review the application for a three-year appointment and the application for the first five-year appointment. The Committee shall include the Director, two (2) full-time non-tenure-track Legal Profession staff members, and three (3) full-time tenure-track or tenured faculty members from outside the Program. Only those candidates voted acceptable by two-thirds of the Committee shall be eligible for a multi-year appointment.

- 1. Three-Year Appointment. By March 15 of an Assistant Professor of Lawyering Skills' second one-year term, s/he shall apply for a three-year appointment. The Committee shall review the staff member under the standards set forth in section IV. below and shall provide the staff member with a written evaluation based on the information collected. The Committee shall make its recommendation and provide notice of its decision to the staff member not later than March 15 of his/her third one-year term.

Upon recommendation of the Committee and the Dean, the Provost, subject to approval by the President, may appoint the staff member to a three-year term. A candidate who is denied a three-year term may be re-appointed for one final year.

2. Five-Year Appointment. During the fall and early winter of the third year of an Associate Professor of Lawyering Skills' three-year appointment, the Committee shall review the staff member under the standards set forth in section IV. below. The Committee shall make a written recommendation no later than February 1, regarding awarding a five-year appointment. Upon recommendation of the Committee and the Dean, the Provost, subject to approval by the President, may appoint the staff member to a five-year term.

A candidate who is not awarded a five-year appointment may be re-appointed to a final one-year appointment for the subsequent academic year.

3. Initiation of Faculty Review Process. By September 1 of the academic year in which a Review Committee decision is sought, the staff member shall submit to the chair of the Committee one copy of a candidate portfolio. Materials on which the staff member wishes to rely may be added to the candidate portfolio through December 15.
4. Submission of Candidate Portfolio. The staff member being reviewed shall submit to the Review Committee a Candidate Portfolio that includes:
  - a. A curriculum vitae;
  - b. A teaching dossier including a list of courses taught at the law school; the past years' syllabi; original course materials; and at least 3 critiqued student papers;
  - c. An evaluation of the staff member written by the Director for the review process;
  - d. Prior evaluations written by the Director;
  - e. Two teaching evaluations written by two members of the Review Committee who have each viewed on videotape no more than two classes taught by the candidate;

- f. A copy of all published work;
  - g. A list of law school committee assignments and service;
  - h. A description of other service activities outside the law school;
  - i. Scholarly works in progress or any other material the candidate deems relevant.
- C. Subsequent Five-Year Appointment Renewals. Subsequent five-year appointment renewals do not require Committee review, but may be made by the Dean in consultation with the Program Director.

IV. Standards for Appointment to a Multi-year Appointment Term.

At the time of the first multi-year appointment review (during the third year), the staff member should have demonstrated progress toward, and the potential for meeting the standards set forth below. At the time of the initial five-year appointment review, and thereafter for subsequent five-year appointment renewals, the staff member should have demonstrated satisfaction of the standards set forth below, as well as a commitment to serving as a contributing member of the Program, the School of Law and the University.

- A. Teaching. Teaching ability is the primary factor to be considered in evaluating lawyering skills staff members for hiring, retention, and promotion. The lawyering skills staff member will be required to perform in a number of capacities in carrying out his or her teaching responsibilities—person providing critique, classroom teacher, as well as colleague. Lawyering skills staff members should excel as teachers. Evaluation of the candidate's teaching performance shall include the following factors:
- 1. Ability to inspire students;
  - 2. Accessibility to students;
  - 3. Sound knowledge of legal analysis, legal writing techniques, and legal research sources and methodology;
  - 4. Ability to provide well-organized and clearly presented lectures, to facilitate well-orchestrated class discussions, and to use a range of creative pedagogical methodologies that help students with different learning styles;

5. Ability to create a classroom atmosphere conducive to learning;
  6. Production and selection of materials for use in teaching, including research and writing problems or exercises, samples, readings, and other teaching tools;
  7. Ability to provide insightful, detailed critique of students' written work in written form and in one-to-one student conferences;
  8. Concern for development and refinement of teaching methodologies; and,
  9. Assistance to and stimulation of colleagues in developing problems, classes, teaching methodologies, and the Program curriculum in general.
- B. Contributions to Legal Education and/or the Legal Profession. Lawyering skills staff members are expected to have contributed to legal education and to the legal profession beyond their teaching activities. Such contributions may include: presenting papers; organizing conferences; providing training; consulting at law firms or within other relevant organizations; publishing articles; participating in national legal writing organizations or the organized bar; or producing teaching materials (including exercises or videotapes), briefs, memoranda, studies, statutes, or reports, as those formats may be appropriate to advance the state of legal writing pedagogy or legal education nationally. Such efforts may be the product of collaboration with other staff members, faculty members, or others in the academic and legal communities.
- C. Service to the Legal Profession Program, the School of Law, or University Community. Lawyering skills staff members must have demonstrated an ability and willingness to perform appropriate service.

Lawyering skills staff are presumed to devote substantially all of their time to their teaching responsibilities, including classroom and one-on-one teaching, as well as assuming substantial administrative responsibilities for curriculum and Legal Profession Program development. Legal skills staff are expected to attend and participate in faculty meetings and provide service to the School of Law and the University. Where appropriate by reason of need, opportunity and expertise, service to the bar and the larger civic, social and cultural community may also be provided by legal skills instructional staff.

V. Voting Rights.

Lawyering skills staff are entitled to participate fully in Faculty Meetings. They are entitled to vote on all matters except:

- A. matters concerning appointments and promotions of tenure track faculty;
- B. changes in the status of the Lawyering Skills staff positions;
- C. conversions of the Lawyering Skills staff positions; and
- D. continuation of the Legal Profession Program.

VI. Termination of Appointments

- A. The Dean may terminate any appointment at any time, or may deny renewal of any appointment, only for adequate cause, such as the failure to fulfill an appointment obligation, moral turpitude, etc.
- B. Pursuant to University policy, the School of Law reserves the right, in the case of financial exigency or discontinuance of a program or department of instruction, to terminate a lawyering skills staff member in the Legal Profession Program. The affected staff member will be given notice as soon as possible and never less than twelve months' notice.