

**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 Coordinator or another Professor of Lawyering Skills, two (2) other full-time non-tenure-track lawyering skills staff members, and two (2) 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. When possible, only full professors should be appointed to the Committee. 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. Procedural Checklist. At the time of a skills staff member's initial appointment, the skills staff member, the Dean, and the Provost will execute a copy of a "Procedural Checklist" form substantially in the form set out at the end of this policy. At the time of the initial appointment, the skills staff member, the Dean, and the Provost will complete and sign the face of the form, and will enter the appropriate academic years in the left-hand column on the second (reverse) page of the form. The original of the form will be kept with the skills staff member's school of law employment file, and the Dean will provide a copy to the skills staff member.

If the skills staff member is credited with prior service, the nature and amount of the credit will be noted in the appropriate space on the face of the form, and the timeline on the reverse will be modified accordingly, as, for example, by striking through the annual reviews that will not be conducted on account of the credit.

Upon the completion of each annual stage in the long-term contract appointment process, the Dean and, in years involving the Review Committee, the chairperson of the skills staff member's Review Committee will sign the form in the appropriate space(s). These signatures will certify that the acts or events described at that stage of the timeline were completed in accordance with this policy. The skills staff member will be invited to sign in the space provided, but the skills staff member's signature is at his or her option. If the skills staff member does sign, the signature acknowledges receipt of the notices and/or documents referred to in the timeline but does not convey agreement with or acquiescence in any conclusions or recommendations set forth in the notices or documents.

In the event of any changes in the timeline reflected on the reverse of the form after its initial completion (for example, due to the effects of a leave of absence), a new form reflecting the changes will be executed and appended to the original form. In the event of any changes in or additions to the original form, including the addition of signatures, the Dean will provide to the skills staff member a complete current copy of the form as modified.

- C. 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 Coordinator or another Professor of Lawyering Skills 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 competency in the teaching of legal research, writing and familiarity with the pedagogy of legal skills instruction, and progress towards and the potential for meeting the standards for promotion to a three-year contract.

If a one-year appointment will not be renewed, notice must be given in writing to the Legal Profession staff member not later than February 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 Program Coordinator or another Professor of Lawyering Skills, two (2) full-time non-tenure-track Legal Profession staff members, and two (2) full-time tenure-track or tenured faculty members from outside the Program. When possible, only full professors should be appointed to the committee. 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 November 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 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 November 15, 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.
4. Submission of Candidate Portfolio. The staff member being reviewed shall submit to the Review Committee a Candidate Portfolio that, at a minimum, 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; relevant student evaluations; and at least 3 critiqued student papers;
 - c. An evaluation of the staff member written by the Program Coordinator or another Professor of Lawyering Skills for the review process;
 - d. Prior evaluations written by the Program Coordinator, another Professor of Lawyering Skills, the Associate Dean, and Dean, including those done as part of the annual faculty activity and performance review;
 - e. Two teaching evaluations written by two members of the Review Committee who have each viewed on video at least

two classes taught by the candidate (videos of small group or individual conferences that constitute the equivalent of at least a 50-minute class may substitute for one of the classes reviewed);

- 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;
- j. Additional materials requested by the Committee that are relevant in assessing the standards set forth in Section IV.

- 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 Coordinator or another Professor of Lawyering Skills.

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.