

**CLEVELAND STATE UNIVERSITY  
CLEVELAND-MARSHALL  
COLLEGE OF LAW**

**CRITERIA, STANDARDS, AND PROCEDURES FOR THE APPOINTMENT  
OF NON-TENURE-TRACK CLINICAL AND LEGAL WRITING  
PROFESSORS**

Effective July 1, 2003  
Amendments Effective March 2009

I. Introduction

(A) Purpose

These policies and procedures govern initial appointments and renewals for Clinical and Legal Writing faculty at Cleveland-Marshall College of Law, Cleveland State University beginning in the 2002-2003 academic year. They do not apply to persons teaching or otherwise participating in any of the clinical or legal writing programs who hold tenured or tenure-track appointments, nor do they apply to attorneys who may be hired to work in the clinical programs for temporary periods of time. The subsequent standards, criteria and procedures will be used to evaluate candidates for initial appointment as Clinical or Legal Writing Professors, Clinical or Legal Writing Faculty members applying for five-year appointments, as well as Clinical or Legal Writing Faculty members applying for renewal of either one-year or five-year appointments.

(B) Role of the Director of Legal Writing

The Director of Legal Writing has the responsibility for the program and supervision of the Legal Writing faculty teaching within it. Supervisory evaluations and annual written reviews of the Legal Writing faculty are the responsibility of the Director.

II. Appointments

A. Initial Appointments

1. Clinical Professor

Persons applying for initial appointment to a position as a member of the College of Law's non-tenured Clinical Faculty will be evaluated based upon the demonstrated potential for excellence as a teacher in the College's clinical program as shown by educational achievement, prior practice of law, prior teaching, or other relevant achievement and skills.

2. Legal Writing Professor

Persons applying for initial appointment to a position as a member of the College of Law's non-tenure Legal Writing Faculty will be evaluated based upon the demonstrated potential for excellence as a teacher of legal writing and research as shown by educational achievement, prior practice of law, prior teaching, and/or other relevant achievement and skills.

B. Subsequent Appointments

1. Clinical Professor

For all subsequent appointments, a Clinical Professor must demonstrate excellence in teaching, outstanding lawyering skills, commitment and contributions to the improvement of the law, the legal system, legal education, and the profession, and academic and community service. A Clinical Professor applying for a five-year appointment, in addition to the above, must demonstrate the likelihood of continued growth as a Clinical Professor pursuant to the criteria contained in Part III below.

2. Legal Writing Professor

For all subsequent appointments, a Legal Writing Professor must demonstrate excellence in the teaching of legal research and writing, effectiveness in relating collegially with peers, and an overall proficiency and professionalism. A Legal Writing Professor applying for a five-year appointment, in addition to the above, must demonstrate the likelihood of continued growth as a Legal Writing Professor pursuant to the criteria contained in Part III below.

III. Five-Year Appointment Criteria

A. Clinical Professor

The following criteria will be used to determine if the College of Law will recommend that a Clinical Professor be granted a five-year appointment. Exceptional strengths with respect to certain criteria may, to a limited extent, offset weaknesses with respect to others.

1. Excellence in Teaching

The evaluation of clinical teaching should take into consideration the primary educational goals of clinical courses, i.e., the teaching of lawyering skills. In clinical courses, the experience is the primary teaching tool. Excellence in teaching is demonstrated by effective supervision and mentoring of students in the clinical setting and successful classroom performance in clinical and other courses. Student evaluations and classroom visits by faculty will be used to evaluate teaching performance. Supervision of independent study and research and individual counseling of students are considered part of teaching responsibilities.

2. Lawyering Skills

Clinical professors must demonstrate outstanding ability in the performance of lawyering skills. These skills include client interviewing, client counseling, fact development, case planning, negotiations, hearing advocacy, legal writing, and practice management. In addition, clinical professors must exhibit a high degree of ethical behavior and professionalism as both teachers and attorneys.

3. Professionalism Contributions

Clinical professors are expected to contribute to the improvement of the law, the legal system, legal education and the profession. Membership in professional associations and active participation in committees are examples of ways in which to make these contributions. Clinical professors should also actively participate in efforts to improve the law and the administration of justice in their areas of expertise, including significant litigation, scholarship, work with public interest organizations, legislative advocacy, and/or pro bono activities. For purposes of this requirement, “scholarship” should be defined to include substantial briefs and position papers that reflect a significant exertion of research and analytical skills.

4. Academic and Community Service

Clinical professors are expected to engage in activities that serve students, the University and the community. They should (as compatible with the demands of their clinic responsibilities) accept such assignments as moot court judge, student counselor, student organization advisor, and member of University and College of Law committees. They should be regularly available for individual consultation with students and other members of the University community. They should engage in community service.

5. Information and Factors to be Used in Evaluating Five-Year Appointment Criteria

- (a) A description of the clinical and other courses taught at the law school;
- (b) Recent syllabi or clinical equivalent;
- (c) Student course evaluations;
- (d) Prior written evaluations and recommendations of the Clinical Professor’s supervisor(s).
- (e) A list of committee assignments and comments from committee chairs;
- (f) A description of service activities in or outside the law school;
- (g) Observation of one or more of the Clinical Professor’s classes by members of the special faculty committee reviewing the candidate;
- (h) Review of materials the Clinical Professor has prepared in conjunction with his or her teaching;
- (i) A meeting with the candidate;

- (j) Scholarship, presentations, publications, briefs or other court or administrative filings, or other work enhancing the school's reputation;
- (k) Any evaluations, recommendations or other materials commenting on the work of the Clinical Professor from clients, judges, co-counsel, opposing counsel, professional colleagues or others in the community in a position to observe the Clinical Professor's work and its impact that may be submitted by the candidate; and
- (l) Other materials submitted by the candidate.

#### B. Legal Writing Professor

The following criteria will be used to determine if the College of Law will recommend that a Legal Writing Professor be granted a five-year appointment. Exceptional strengths with respect to certain criteria may, to a limited extent, offset weaknesses with respect to others.

##### 1. Classroom Teaching

The Legal Writing Professor exhibits a command of legal analysis, legal writing, legal research, and advocacy. The candidate is focused and well prepared for class, organized and effective; defines the goals to be accomplished; incorporates effective methods of conveying those goals to the students relying on techniques appropriate for teaching writing, analysis and research; and, offers insights to the students that they would not get from reading the text alone.

##### 2. Designing Writing Assignments

The Legal Writing Professor's assignments and teaching materials should intellectually challenge students. Assignments are appropriate to the students' realistic analytical ability. Problems are factually realistic and, if persuasive writing is required, are well balanced. There are sufficient research exercises during the year to challenge students, expose them to a variety of research methods, and lead them to competence in research performance. The research is organized with a clear focus and continuum throughout the year.

##### 3. Evaluating Student Work

The Legal Writing Professor should be able to provide insightful, detailed critiques of student papers with written comments that do the following:

- (a) Recognize the difference between effective and ineffective writing and analysis;
- (b) Conceptualize that difference between effective and ineffective writing by explaining why one thing works and another does not;
- (c) Diagnose writing and analysis problems by identifying the habit or misuse that causes the student to write effectively;
- (d) Prescribe solutions that identify what steps the student can take to improve;

- (e) Make informative comments on student papers while achieving a tone that motivates students to improve;
- (f) Grade student papers in a way that accurately reflects a paper's quality when compared with that of other student papers;
- (g) Prepare, select, and highlight the problems to discuss with students; and
- (h) Evaluate papers in terms of practical effectiveness, rather than in terms of the teacher's personal preferences.

4. Student Conferences

The following criteria will be used to evaluate a candidate's student conferencing techniques:

- (a) Demonstrated interest in student's development as legal writers, researchers, and professionals and consistent availability to students for one-on-one and/or small group consultation regarding writing projects;
- (b) Ability to convey important information to students in a manner that they can understand and accept; and
- (c) Ability to ask questions designed to provoke thought, and delivered in a sequence that builds on the answers to preceding questions and leads to the teacher's goal.

5. Relating to Students

The candidate relates constructively with students inside and outside the classroom.

6. Course Administration

The candidate handles administrative tasks efficiently as exhibited by the following criteria:

- (a) Coordinates and works well with other legal writing teachers, faculty, and other members of the law school community;
- (b) Provides students with fair notice of office hours, conferences, and scheduling that affects them; and
- (c) Completes preparation of assignments well in advance.

7. Judgment

The candidate exercises sound judgment in all aspects of work, solves problems reasonably and decisively, and seeks assistance from experienced colleagues when appropriate.

8. Team Work

The candidate exhibits collegiality by the following:

- (a) Coordinates and works well with other legal writing teachers, faculty, and other members of the law school community;

- (b) Shares ideas with others in the field, both internally and externally;
- (c) Focuses on compliance with school and Legal Writing program policies rather than individual preferences;
- (d) Participates in departmental meetings, and responds to Director's requests in a timely fashion;
- (e) Timely files grades, follows Department and school policies; and
- (f) Balances appropriately between individual initiative and acceptance of direction.

9. Scholarship

A Legal Writing Professor is not expected to engage in published legal scholarship as a part of teaching and Program responsibilities. However, the Dean, Director, and faculty encourage and support Legal Writing Professors who wish to engage in scholarship regarding legal writing, including publications, research and conference presentations. Also, Legal Writing Professors may choose to engage in scholarship in subjects beyond the scope of legal research and writing. Nothing prevents Legal Writing Professors from submitting that scholarship for favorable consideration in connection with reappointment or promotion.

10. Information and Factors to be Used in Evaluating Five-Year Appointment Criteria

Consideration of the above criteria shall be based on at least the following:

- (a) A list of courses taught at the law school;
- (b) Recent syllabi;
- (c) Student teaching evaluations from at least the previous three years' first year or Third Semester course[s];
- (d) Prior written evaluations and recommendations of the director or supervisor;
- (e) Observation of one or more of the Legal Writing Professor's classes;
- (f) Review of materials the candidate deems relevant such as individual projects, grading guidelines, teaching exercises, worksheets, research and lesson plans;
- (g) Meeting with the candidate;
- (h) Scholarship, presentations, publications, editing, pro bono or other work or activities that serve to enhance the law school's local or national reputation; and
- (i) Other materials submitted by the candidate.

IV. Procedures for Appointment

A. Initial Appointments and Renewal of Yearly Appointments

- 1. Prior to making any recommendations of an initial appointment pursuant to these procedures the Dean shall receive the

recommendations of the Special Committee for Appointments. The Dean shall take into account the Special Committee's recommendations and the needs of the institution in acting on the appointment.

2. The member of the law school administration (the Director of Legal Writing, the clinical faculty supervisor, or the associate dean) who directly supervises the performance review of each candidate on a yearly basis shall recommend renewal or non-renewal to the Dean of the College of Law. The Dean shall then determine whether to grant a renewal of the yearly appointment.
3. The Special Committee for Initial Appointments for Clinical and Legal Writing Faculty shall include two tenured or tenure-track faculty members, two members of the clinical or legal writing faculty (dependent on the position to be filled) and the Chair of the College of Law Faculty Committee on Clinical Legal Education and Externships or Legal Writing and Research, depending on the position to be filled. If the position to be filled is a legal writing position, the Director of the Legal Writing Program shall constitute one of the two legal writing faculty members of the Committee and the other legal writing position on the Committee shall be filled, where possible, by a member of the legal writing faculty who has more years of service than the applicant. If the position to be filled is a clinical faculty position the immediate supervisor of the clinical program shall constitute one of the clinical faculty members of the committee, unless that person is a tenured faculty member and that person shall constitute one of the tenured faculty members of the committee.

B. Five-Year Appointment and Renewals

1. A Clinical Professor or Legal Writing Professor is eligible to apply for an initial five-year appointment after five one-year appointments and shall, as a condition of employment beyond the current appointment, apply for a five-year appointment during the fifth yearly appointment, subject to the phase-in provisions of Section IVB(2) below. Renewals of five-year appointments shall be considered during the year the term expires.
2. Years taught previously in the Clinical or Legal Writing Program, when this section is adopted, count toward the eligibility requirement. The granting of initial five-year appointments shall be phased-in over a five year period starting in the academic year immediately following the adoption of these provisions.
3. Applications of several candidates during the same year may be considered based upon each candidate's years of prior service.

Preference will be given to those with the greatest number of years of service in order of hiring date. While several candidates may be considered during one year, the Dean, in consultation with the director of the applicable program and the chairs of the Clinic and Extern and the Legal Writing Committee will determine how many candidates' applications will be considered based upon the available personnel, the resources, and the timing of the applications. A Clinical or Legal Writing Professor who has applied for a five-year appointment but who has been deferred under this paragraph shall be eligible for a yearly appointment subject to the yearly appointment procedures.

4. The Dean, prior to making a recommendation to the Provost on a five-year appointment, shall appoint a special committee, after consultation with the PAC Chair and the applicant, to prepare a report to the faculty based on the criteria contained in Section III above. The faculty will then make a recommendation to the Dean.
5. For purposes of this section the faculty shall consist of all tenured and tenure-track faculty, all clinical and legal writing faculty who hold five-year appointments. Clinical or legal writing professors who are being considered for renewal of a five-year appointment shall not be considered members of the faculty for purposes of this section during the year that they are seeking the renewal.
6. For purposes of this section the special committee shall consist of two tenured or tenure-track faculty members and one clinical or legal writing faculty member who holds a five-year appointment (depending on whether the applicant for the five-year appointment or renewal thereof is a clinical or legal writing faculty member). If there is not a clinical or legal writing faculty member who holds a five-year appointment then the special committee shall consist of three tenured or tenure-track faculty members one of whom is a member of either the faculty Legal Writing and Research Committee or the Clinic and Extern Committee (depending on whether the applicant for the five-year appointment or renewal thereof is a clinical or legal writing faculty member).
7. Renewals of Five-Year Appointments
  - (a) The award of a five-year appointment to a Clinical or Legal Writing faculty member carries the presumption of successive five-year appointments. Faculty members awarded five-year appointments shall be denied successive five-year appointments only for just cause, or the material modification of the program in which the faculty member teaches, or a declaration of financial exigency.



(b) The application and review process for renewals of five-year appointments shall be as follows:

(i) A faculty member seeking renewal of a five-year appointment shall notify the Dean in a letter no longer than two pages in length delivered to the Dean by September 1 of the final academic year of the existing appointment.

(ii) The Dean shall, in consultation with the PAC Chair and the applicant, appoint a special committee to review the application for renewal. The special committee will be constituted pursuant to Sections IV B 5 and 6 above.

(iii) The special committee shall review the letter, the applicant's annual reports for the first four years of the appointment, the applicant's student teaching evaluations for the first four years of the appointment, and any other relevant written information related to whether just cause exists for nonrenewal.

(iv) The special committee will apply the "presumption of renewal" standard to its review of this information. The special committee shall determine that nonrenewal is appropriate only upon a finding that "just cause" exists as defined in CSU Professional Staff Policies 8.5.8.5.1; "just cause" includes but is not limited to "unsatisfactory performance." The term "unsatisfactory performance" in CSU Professional Staff Policies 8.5.8.5.1 shall be interpreted to mean:

- professional incompetency, or
- substantial, willful, and persistent neglect, without justification or excuse, of an essential institutional duty, validly prescribed by the University.

(v) The special committee shall formulate a recommendation as to the renewal and communicate the recommendation to the applicant and the Dean in writing by November 1 of the final academic year of the existing appointment.

(vi) If the special committee recommends renewal, the committee shall recommend to the Dean that the applicant receive an additional five-year appointment. No further action is required by the special committee.

(vii) If the special committee recommends nonrenewal, the special committee shall identify the reason(s) for the

recommendation in the written communication to the applicant and the Dean described in IV B 7 (b) (v) above. The written communication shall also identify the information and materials on which the special committee relied in making the recommendation for nonrenewal. The special committee will make those materials and information available to the applicant upon the applicant's request.

(viii) The Dean shall review the material listed in Section IV B 7 (b) (iii) above, the materials provided by the special committee, and any additional materials submitted by the applicant. The Dean will formulate a recommendation regarding the renewal of the applicant's appointment. The Dean shall communicate his or her recommendation to the special committee and to the applicant in writing no later than December 1 of the final academic year of the existing appointment.

(ix) Both the Dean's recommendation and the special committee's recommendation shall be provided to the Provost no later than December 15 of the final academic year of the existing appointment.

(x) Nothing in these procedures affects the applicant's rights related to termination of employment as set forth in Greenbook Section 8.3.8(B)(3) or Professional Staff Policies expressly incorporated in that Greenbook Section, specifically Professional Staff Policy Section 8.5.8 Termination of Employment and 8.5.9 Grievance Procedures.

#### C. University Personnel Policies

Nothing in these Criteria, Standards, or Procedures shall be construed to circumvent or otherwise contradict University personnel policies for non-tenure track teaching faculty.

#### V. Termination

A Clinical or Legal Writing Professor may be terminated at any time during the term of a five-year appointment or any renewal period for good cause, or due to the termination or material modification of the entire clinical or legal writing program. Termination proceedings shall be done in accordance with University policy governing non-bargaining faculty.