

**Levin College of Law**  
Office of the Dean

**Laura Ann Rosenbury**  
*Dean and Levin, Mabie & Levin Professor*

Spessard L. Holland Law Center  
PO Box 117620  
Gainesville, FL 32611-7620  
352-273-0600  
352-392-8727 Fax  
[www.law.ufl.edu](http://www.law.ufl.edu)

March 5, 2019

MEMORANDUM

TO: Voting Faculty

FROM: Laura A. Rosenbury, Dean *LAR*

RE: Faculty Meeting Agenda, March 15, 2019

I have scheduled a Faculty Meeting for Friday, March 15, 2019, in the Faculty Lounge, beginning at 11:00 a.m. The agenda will be as follows:

1. Approve Faculty Meeting Minutes for February 22, 2019, attached
2. Approve Proposal for Permanent Grading for Introduction to Lawyering, attached
3. Recommendation from Tenured Lateral Appointments Committee (Danny Sokol, chair), attached

## Law Faculty Meeting Minutes

February 22, 2019 12:00pm

**PRESENT:** Mary Adkins, Mary Jane Angelo, Thomas Ankerson, Stephanie Bornstein, Dennis Calfee, Jonathan Cohen, Robin Davis, Nancy Dowd, Teresa Drake, Ben Fernandez, Alyson Flournoy, Jeff Grater, David Hasen, Berta Esperanza Hernandez, Darren Hutchinson, Lea Johnston, Shani King, Christine Klein, Leslie Knight, Charlene Luke, Merritt McAlister, Silvia Menendez, Peter Molk, Lars Noah, William Page, Leanne Pflaum, Teresa Reid, Laura Rosenbury, Katheryn Russell-Brown, John Stinneford, Lee-Ford Tritt, Henry Wihnyk, Sarah Wolking

**NOT PRESENT:**

Yariv Brauner, Karen Burke, Charles Collier, Deborah Cupples, Jeffrey Davis, Mark Fenster, Joan Flocks, Bill Hamilton, Jeffrey Harrison, Mindy Herzfeld, Joseph Jackson, Michelle Jacobs, Joan Johnsen, Liz Lear, Pedro Malavet, Grayson McCouch, Jon Mills, Fred Murray, Jason Nance, Kenneth Nunn, Jane O'Connell, Robert Rhee, Elizabeth Rowe, Betsy Ruff, Sharon Rush, Daniel Sokol, Amy Stein, Stacey Steinberg, Margaret Temple-Smith, Diane Tomlinson, Steven Willis, Michael Wolf, Danaya Wright, Jennifer Zedalis, Wentong Zheng

Meeting called to order at 12:07pm

I. Approve Faculty Meeting Minutes for February 8, 2018

Sarah Wolking should be added as present for the meeting on February 8, 2018.

*Unanimously approved*

Moved and seconded to approve minutes with amendment.

II. Update from Associate Dean Rachel Inman regarding Student Mental Health and Wellness

Associate Dean Inman provided an update regarding the Student Mental Health and Wellness initiatives, including committees that will meet to address the needs of students and upcoming events designed to promote health and wellness at UF Law.

*Information Item Only*

Discussion ensued about the genesis of these initiatives, the methods of promotion, questions regarding reporting obligations, and best practices related to health and wellness.

Associate Dean Inman thanked the faculty for their ongoing support of our students and the issues that they face.

III. Recommendation from Non-Tenure Track Hiring, Retention and Promotion Committee (Silvia Menendez, chair)

Dean Rosenbury discussed the process by which we are considering this candidate.

*Faculty Invited to vote*

Associate Dean Menendez provided the recommendation of the committee for consideration.

Candidate Sarah Bishop was brought forward to the faculty.

Discussion ensued regarding qualifications, teaching load, and appropriateness of hire.

Meeting adjourned at 12:33pm.

**TO:** Voting Faculty

**FROM:** Curriculum & Strategic Planning Committee (Cohen, chair, Brauner, Cupples, Drake, Mathapo, Nance, Nunn, Pflaum, and Steinberg)

**DATE:** Feb. 27, 2019

**RE.:** Introduction to Lawyering Permanent Grading Proposal

---

In the spring of 2017, the faculty granted approval for Introduction to Lawyering to be graded S+/S/U/I on a provisional, two-year basis. The Curriculum & Strategic Planning Committee now recommends that the faculty grant permanent approval of S+/S/U/I grading for Introduction to Lawyering. The reasons for this are explained in the two attached documents: (1) a February 8, 2019 memorandum from the current ITL instructors requesting permanent approval of S+/S/U/I grading, and (2) an April 7, 2017 memorandum from previous ITL instructors requesting S+/S/U/I approval on a provisional, two-year basis.

To: Curriculum & Strategic Planning Committee

From: Jonathan Cohen, ITL Professor and ITL Coordinator; Mary Jane Angelo, ITL Professor; Joan Johnsen, ITL Professor, Jason Nance, ITL Professor; and Stacey Steinberg, ITL Professor

Re: Permanent Approval of S+/S/U/I Grading for Introduction to Lawyering

Date: February 11, 2019

In the Spring of 2017, the faculty approved a proposal submitted by the Introduction to Lawyering (“ITL”) faculty, then comprised of Mary Jane Angelo, Jonathan Cohen, Alyson Flournoy, Joan Johnsen, and Jason Nance, to change the grading standards for ITL from letter grades to S+/S/U/I grading on a provisional, two-year basis. ITL has since been taught twice (Fall of 2017 and Fall of 2018) using S+/S/U/I grading, and the experience has been positive. The current ITL faculty, comprised of Mary Jane Angelo, Jonathan Cohen, Joan Johnsen, Jason Nance, and Stacey Steinberg, now requests permanent approval of S+/S/U/I grading for ITL.

As explained in the attached memorandum of April 7, 2017 that sought provisional approval of this grading change, there were multiple pedagogical, administrative, and equity reasons for that request. These remain our basic reasons for seeking permanent approval of S+/S/U/I grading, and rather than repeat them here we incorporate them by reference to the April 7, 2017 memorandum. Along with those reasons, we add four others by way of addendum based on our experience using S+/S/U/I grading in ITL over the past two years.

First, S+/S/U/I grading has significantly ameliorated the pedagogical “disconnect” described in the April 7, 2017 memorandum between the educational aims of the course and the final exam. We as instructors prefer this, and we believe that our students do, for student complaints related to that disconnect have greatly decreased. Second, over the past two years, we have increased the level of experiential learning in ITL, which was one of the reasons for our preferring S+/S/U/I grading. Some of this experiential learning is based on student cooperation, which S+/S/U/I grading may facilitate. Third, there are multiple required elements in the course ensuring student accountability. In addition to passing the final exam, which the vast majority of but not all ITL students have passed over the last two years, students are required to take four online quizzes and submit six written documents (viz., Personal Legal Narrative, Negotiation Reflection Paper, Court Observation Exercise, Statement of Career Development, Resume, and Cover Letter.) These quizzes and written documents ensure a significant measure of student accountability. Fourth, in our opinion, S+/S/U/I grading has been educationally beneficial overall, with greater absorption of fundamental introductory concepts made possible through increased experiential learning rather than students focusing on memorizing definitional minutia. There is some small statistical support for increased student learning found in the end-of-semester, student evaluations. Exact comparison of student learning under the different grading structures is

difficult, for while the new grading structure has facilitated greater use on our part of experiential learning, there have been other changes to our classes over the past two years as well. For example, class sizes are now approximately 20% smaller with roughly 40 students per section as compared with roughly 50 students per section two years ago, and the composition of the instructors has also changed slightly. Still, we note that the course mean from student evaluations across all ITL sections for “amount learned” has risen a bit under the S+/S/U/I grading structure. In the Fall of 2016, when letter grading was last used, the course mean on student evaluations for “amount learned” was 3.31. In the Fall of 2017 of it was 3.44, and in the Fall of 2018 it was 3.47.

To: Members of the Curriculum Committee (Danaya Wright, chair; Jonathan Cohen; Silvia Menendez; Jason Nance; and Stacey Steinberg)

From: Jason Nance, Director of Lawyering and Professional Program; Mary Jane Angelo, ITL Professor; Jonathan Cohen, ITL Professor; Alyson Flournoy, ITL Professor; and Joan Johnsen, ITL Professor

Re: Provisional Approval to Modify the Grading Structure of the Introduction to Lawyering Course

Date: April 7, 2017

The Introduction to Lawyering faculty request that the faculty provisionally approve its proposal to change the grading standards for the 1L course from the current letter grades to an S+/S/U policy. There are multiple pedagogical, administrative, and equity reasons for this request.

### *Pedagogy*

Based on our observations, course evaluations, and discussions with students, we have become increasingly concerned about the disconnect between what we teach and emphasize in our ITL classes and how we assess our students. A significant part of the ITL course is experiential. We cover topics and skills such as interviewing, counseling, negotiation, listening, and problem solving. While we assign readings that discuss the theories associated with these skills, we spend a significant amount of class time engaged in role plays and other experiential exercises to practice and apply these skills. As the course has developed, we are bringing in more experiential exercises that simply do not permit comparison between students. For instance, we assign them to write a personal narrative about an experience they had with the law in order to get them to think about the law from a client's perspective. We have them attend court and write about their thoughts and experiences. Although we could grade these exercises based on fluency of the writing and grammar, that isn't the only point of the exercises. Additionally, we devote several classes to matters of career development, such as clarifying career goals, writing resumes and cover letters, and interviewing for jobs, areas in which making nuanced comparisons between students makes little sense. Many students have expressed discontent with the disconnect between the skills we are emphasizing in the classroom, and the skills for which we are able to test and thus to assign a grade. Many of these skills cannot be evaluated in a comparative model which is an underlying premise of our letter grade system.

There are some concerns that the shift from a letter grade policy to an S+/S/U/I policy would disincentivize students to give due attention to the important skills and lessons of the class. We believe that the benefits of the ungraded policy outweighs this risk, but because we recognize the risk exists we are only asking for provisional approval for two years. We believe that the ability to give the S+ grade will provide suitable incentive, but if we are wrong we will not go forward

and seek permanent approval for the change. The provisional period also allows us to collect information about this issue before we seek permanent approval.

### *Administration*

One of the challenges we face teaching ITL is how to evaluate and differentiate our students to satisfy our nuanced grading standards. We currently have 8 or 9 categories of grades (A, A-, B+, B, B-, C+, C, C-, D+, etc). Drawing such nuanced distinctions on the basis of the substance of one's resume is really quite an impossible task and the students clearly recognize it. Although there are some the skills classes that do make such nuanced distinctions on the basis of experiential skills, those classes tend to have far fewer students and the faculty are adept at teaching and evaluating the substance of the skills being learned. Because ITL is a much larger class (50 students) and the students are doing many different types of exercises and skills, the faculty might only have a chance to evaluate one negotiation exercise, for instance, before moving on to another topic, rather than being able to focus the entire semester on the development of the relevant skill. We believe that a basic pass/fail structure is more appropriate when the course is introducing students to a wide variety of skills and experiences, while the S+ option may provide an additional incentive for students to take the exercises seriously and work hard.

### *Equity*

There are at least two equity reasons for implementing this basic grade change. First is that the current grading system inevitably focuses on testable skills and not on many of the other substantive goals and skills the class teaches. To date (and to accommodate the grading policy) we have given an end of course exam consisting of multiple choice questions and one or two essay questions. Thus, our assessment often focuses on testing vocabulary, reading comprehension, and, to some degree, how to apply the concepts and theories associated with these skills on paper. What our current assessment does not do is evaluate students' ability to apply the skills they learn experientially, which is a primary focus of our course. Our students notice this disconnect and question it (for good reason). Further, in order to differentiate students, we often devise questions that focus on the details of the readings, which also can be dissatisfying to our students. Next year, we plan to dedicate even more class time to experiential learning activities. As we continue to push this course in the direction of experiential learning, we believe that the disconnect between what we teach and how we assess will grow even wider, and students may become even more dissatisfied with how we assess them.

Second, it is very difficult to distinguish between, for example, a student who had a meaningful experience visiting a court room and seeing a trial, but who couldn't perhaps adequately express the value of the experience, and a student who slept through the court room experience but deftly and impressively articulated a moving and eye-opening experience. These are simply non-comparable experiences. In another example, a student who lost a parent or loved one to violence is likely to have a very different experience from one whose only contact with the law was a speeding ticket. Because these are non-comparable experiences, it is inequitable to



evaluate and grade the students on a comparative standard that focuses only on writing skills or grammar.

### *Mechanics*

Accordingly, after extensive discussion, we are seeking provisional approval to modify the grading structure of the ITL classes for two years. We have verified with Rachel Inman that the S+/S/U/I grading structure is possible. According to Rachel,

The College of Law is the only college that has the “honors” designation attached to the S grade. The only options in the S/U grading scheme are S+, S, U and I. A grade of U indicates a grade of C- or below on the letter graded scale and is considered failing, requiring the answering of the participation grades when grades are submitted (never participated, stopped participating, completed and academically failed).

To receive an S grade, we would expect students to successfully complete all class assignments (e.g., a personal legal narrative, a court observation paper, a reflection paper on an experiential exercise, a statement of career development, a CV and cover letter); miss no more than six one-hour classes; take a number of quizzes throughout the semester on the readings; participate in class discussions and experiential exercises in good faith; and achieve a satisfactory score on an end of semester exam. We would award S+ grades to students who achieve distinction in these areas.

Consistent with the grading distribution for other 1L classes, the number of S+ and S grades that each professor awards would be proportional across all ITL sections. While we have not yet determined the number of S+ grades we would award, our inclination thus far is to award between 5% and 15% of the students in each class an S+ grade, which would be consistent with the number of “A” grades that we could award under the normal 1L grading curve.

After the provisional period concludes, we will reconvene to discuss whether this new grading model is more pedagogically consistent with our overall objectives for the course and decide whether we will seek permanent approval to modify the grading structure of ITL.

Levin College of Law  
Spessard L. Holland Law Center  
PO Box 117625  
Gainesville, FL 32611-7625  
352-273-0968 Phone  
352-392-3005 Fax

MEMORANDUM

TO: Tenured and Tenure-Track Faculty

FROM: D. Daniel Sokol, Chair, Faculty Appointments Committee,  
Lateral Level Subcommittee (Dowd, Flournoy, Hasen, Hutchinson, Sokol, Stein)

DATE: March 4, 2019

RE: Action item: Hiring recommendation for tenured chair in tax position

The appointments committee unanimously recommends that the faculty approve the extension of an offer of appointment of a tenured position to fill a tax chair to the following person:

Neil Buchanan

We will discuss these candidates at the March 15, 2019 faculty meeting and vote at the conclusion of the meeting.

Sincerely,



D. Daniel Sokol  
University of Florida Research Foundation Professor of Law & Term Professor of Law  
University of Florida Levin College of Law