

## **Exam Preparation, Reading, Grading, Review and Course Evaluations**

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### Overarching goals

- Test a cross-section of topics that fairly represents the important doctrines, conceptual themes, and policy arguments raised in the course.
- Put enough pressure on the students to generate a curve with a wide distribution.
- Force the students to develop the analytical skills they'll need in practice and the test-taking skills they'll need for the bar.
- . . . while not creating too time-consuming a grading process.

### Collaboration

- I have never collaborated to write an exam. Because I try to focus the test on what we covered in class, I am suspicious that a jointly-written exam will approximate the students' in-class experience.
- I try to "collaborate" in another sense: I try to write my exams early enough that I can have someone else proof the essays.
  - I ask a secretary to reread the exam checking for typos and factual discrepancies.
  - I ask a colleague to give impressions what the target-rich topics are on the essays, and how difficult the essays are for the student body.

### Types of exams and exam questions

- There are 4 popular formats: (1) take-home essays; and then, within the in-class format, (2) long essays, (3) short answers, and (4) multiple choice.
- Take-home essays:
  - Pros:
    - Much of what you read will be easier on the eyes. Students who can't write a pleasing product on a take-home deserve whatever bad grade they get.

- Students will have more of a chance to show what they know.
    - Essays of any kind test whether the student can assemble the “big picture” of the class.
  - Cons:
    - You can’t control the possibility of cheating.
    - The distribution bunches more in the middle than in-class timed exam answers do. It’s harder to distinguish A’s and C’s from B’s.
    - They take longer to grade.
- In-class essays
  - Pros:
    - “Big picture.” See treatment of take-homes, above.
  - Cons:
    - Time-consuming to grade.
- Short answers
  - Pros:
    - Allow you to focus on doctrines or issues that don’t relate to the biggest themes of the class.
    - Relatively easy to grade.
  - Cons:
    - Students can do well on short-answer questions without having the ability to see the forest for the trees.
- Multiple choice
  - Pros:
    - Least time-intensive to grade.
    - If a question turns out to backfire, can always scratch it for grading purposes. Bad multiple-choice problems are

more separable from an exam than a bad issue injected into an essay hypothetical.

- Cons:
  - Most time-intensive to write. It's surprisingly hard to select 4 answers that are minimally plausible and then make 1 clearly right.
- My approach
  - I usually have at least one 2-hour essay. To force students to show me the big picture.
  - I cover doctrines I can't cover on the essay with multiple-choice questions.
  - I tend to teach courses that focus on common-law reasoning. Such courses tend to have 2-3 big policy themes imbuing the entire course. That tendency makes essays easier.
  - If I were to teach a course with a lot of detail in statutes & regs (say, tax), or a lot of discrete subjects with no obvious overlap (say, basic health-care), I would probably instead use 1 1-hour essay, an hour of short-answer questions, and then multiple-choice for the remainder.

#### Ideas for writing an exam, exam banks and other outside sources of material

- Essays: Write down ideas as they come to you over the course of the semester.
- Multiple-choice and short-answer: At the end of each week, write down 2-5 testable questions based on what you covered that week.
- Consult for inspiration exam banks and commercial test aids.
  - Check the websites of the main legal publishers for commercial test aids.
  - Ask colleagues who teach the same course if professors have a listserv or an exam bank.

### Don't copy from others' old exams, and don't reuse questions

- Copyright problems.
- If you go to an exam bank or a commercial test guide, assume that at least one student in your class is resourceful enough to find the materials from the same source as you.
  - That possibility creates the possibility of unfairness.
- If you reuse old questions, assume that students are always prowling for copies of earlier exam questions.
  - Anecdotally, senior colleagues tell me that when they reuse multiple-choice questions over a long period (5+ years), the % of students who answer correctly goes up.

### Post-exam review

- It's important to give students the opportunity to do better, but it's appropriate for you to set boundaries to protect your time and to prevent students from lobbying.
- I photocopy the best answer to each essay. Before students meet me, I require them to review their own essay, and then read the model answer (which I have my secretary loan them).
- I meet with students after reading their essays, pointing out what they did well and what they could have done better.
- I usually have about 8-10 students from a class of 60 first-years ask me to review an exam; I give them each half an hour. I'd cut back the appointment time per student if I had more requests than that.