

## EVALUATION AND CONTINUOUS ASSESSMENT

AALS Workshop for New Law Teachers – June 2005

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*“We get paid to grade blue-books; we’d do the rest for free.”*

### 1. INTRODUCTION

#### 1. Evaluating students may achieve a number of objectives:

1. Reflect students’ achievement of course goals (summative assessment).
2. Provide students and professors with information regarding the students’ progress throughout the course (formative or continuous assessment).
3. Help the professor achieve pedagogical goals.

#### 2. Consider the following questions:

1. What are your course goals?
2. When you picture an ideal class, what do you see?
3. How may you use assessment techniques to help you and your students achieve your goals?

### 2. FINAL EXAMINATIONS

#### 1. Exam Writing Tips

1. Hints from students: My administrative assistant forwarded me the following (anonymous) comment. “I just have to say: what a great exam! I think the questions will test what we've covered in class. I believe I have a fair opportunity to demonstrate what I've learned. And, the exam is so well-written. Such a relief after having exams in the past with triple negatives in the question, or that test EVERY minute issue, or that neglect to test major issues. I really appreciate an exam like this - I've never had one like this yet in law school.”
2. Exam file: Keep your eyes and ears open for stories raising legal issues. Articles in newspapers and magazines, movies, and books all are good sources. Base your exam on one of these stories and add facts as necessary to raise additional issues. In the past, I’ve taken insider trading questions from the movie “Wall Street” and business judgment rule questions from

the book “Jurassic Park.” This year, I based one constitutional law question on an article discussing the impact of a noise ordinance on the Muslim Call to Prayer. Another question came out of articles discussing the woman who refused to undergo a Caesarian-section delivery. When one of her twins was still-born, she was criminally prosecuted.

3. Avoid “red herrings.” Many of your students will chase these irrelevant facts, assuming you included them to raise specific issues. The students will be upset, and you will have to grade exam answers that go off target.
4. You want to write an exam that allows all students to demonstrate their knowledge, but that allows exceptional students to shine. In my experience, it is hard to write an exam that is too easy, and easy to write one that is too hard.
5. Have a colleague review your exam for errors and ambiguities. It is difficult for the author of an exam to identify problems.

2. Administration:

1. In-class or take-home?
2. Open- or closed-book?
3. This semester, I used a take-home, open-book procedure.
  1. Students were given the choice of taking the exam any day during the two-week exam period. They obtained a copy via email from my administrative assistant. They had 24 hours to return their answers via email to my administrative assistant. She printed the exam answer, checked to make certain it identified the student only by exam number, was returned within 72 hours, and complied with the 4,500-word limit.<sup>1</sup>
  2. I sometimes allow my students to discuss the exam with classmates up to the point where they start outlining their answers.

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<sup>1</sup>I have found that a word limit works better than a page limit. The students are not able to stretch the limit by using smaller margins or fonts, and most word processing programs provide an accurate word count.

I make it clear that their answers have to be significantly different. (I have done this on a number of occasions and have not yet received substantially similar papers.)

3. Grading

1. “Gestalt” (a.k.a. “I know it when I see it.”)

1. Read an exam, write comments, put it on the floor. Read the next exam, write comments, put it on top of the first exam if it is of the same quality, to the left of the first exam if it is of lesser quality, or to the right of the exam if it is of higher quality. Repeat. Assign a grade to each pile.
2. Students frequently complain about this system. They do not understand the grading criteria, even if there are written comments, and they believe it to be excessively subjective.

2. “Grids”

1. Make a grid, list, or table of issues noting possible points for each issue. Fill out a grid for each exam, indicating the number of points earned for each issue. (*See conference’s web page for example.*)
2. Students find this system more helpful and less subjective than the gestalt system. They see which issues they hit and which they missed. They do not understand, however, why they do not get full points for the issues.

3. “Points”

1. As you read each exam, make a mark in the margin for each argument that helps answer the question posed.
2. Students also find this system more helpful and less subjective than the gestalt system. With this system, they see that each statement made is read and assessed.
3. This system may be more realistic than the grid system. The paper gets points for being persuasive, rather than for hitting particular issues. Although, theoretically, a student could miss a major issue and still do fairly well, that does not seem to happen in practice.

4. Final Exam Pros & Cons. It is at least arguable that students' grades on these exams reflect the students' knowledge of doctrinal material and ability to apply the general principles to hypothetical fact situations. Final exams, however, do not allow either students or professors to assess students' progress during the course. Additionally, final exams may not help professors achieve pedagogical goals.

### 3. OTHER FORMS OF ASSESSMENT

1. Final Exam "Plus" – Some professors give "extra credit" for excellent class participation.

2. Midterms: Students often appreciate receiving a midterm. This need not take a great deal of administration time. You might allow them to write the midterm during class time or to take it home. Although it would be most helpful to the students for you to score them (for a grade or not), but you also may provide an answer key for self-assessment purposes.

#### 3. Continuous Assessment

1. Quizzes: I have found that weekly quizzes help me achieve many of my pedagogical goals. The students come to class on time and with the materials fully prepared. Although the quizzes take 10-15 minutes of class time, I have found that the class moves through the materials much more quickly. (*See* conference's web page for a more thorough description.)
2. Papers, projects
3. Polls – You can quickly "poll" your students regarding their understanding of the materials.
  1. "Low-tech" – At the beginning of class, particularly when you will be discussing relatively difficult material, give your students one minute to quickly jot down the thing that most confuses them about the assigned materials. At the end of the class, give them 10 seconds have them jot down, on the same piece of paper, whether or not they still are confused. Collect the papers as they leave. In most instances, their articulation of their problems helps them clear up their confusion during the class discussion. You may address remaining questions during the next class session.
  2. "High-tech:" I have begun using the Classroom Performance System to assess the students' understanding. This system also may substantially increase the students' engagement and

participation.

## Attachment B – BIBLIOGRAPHY

### Clinical Courses

- Stacy L. Brustin & David F. Chavkin, “Testing the Grades: Evaluating Grading Models in Clinical Legal Education,” 3 Clinical L. Rev. 299 (1997).
- Philip G. Schrag, “Constructing a Clinic,” 3 Clinical L. Rev. 175 (1996).
- Nina Tarr, “The Skill of Self Evaluation as an Explicit Goal of Clinical Training,” 21 Pacific L.J. 967 (1990).
- Amy L. Ziegler, “Developing a System of Evaluation in Clinical Legal Teaching,” 42 J. Legal Educ. 575 (1992)

### Doctrinal Courses

- John M. Burman, “Out-of-Class Assignments as a Method of Teaching and Evaluating Law Students,” 42 J. Legal Educ. 447 (1992).
- W. Lawrence Church, “FORUM: Law School Grading,” 1991 Wis. L. Rev. 825.
- Philip C. Kissam, “Essay: Law School Examinations,” 42 Vand. L. Rev. 433 (1989).
- John M. Rogers, “Class Participation: Random Calling and Anonymous Grading,” 47 J. Legal Educ. 73 (1997).
- Greg Sergienko, “New Modes of Assessment,” 38 San Diego L. Rev. 463 (2001).
- Paul T. Wangerin, “‘Alternative’ Grading in Large Section Law School Classes,” 6 J. Law. & Pub. Pol’y 53 (1993).

### Writing Courses

- Anne Enquist, “Critiquing and Evaluating Law Students’ Writing: Advice from Thirty-Five Experts,” 22 Seattle Univ. L. R. 1119 (1999).
- Laurie Magid, “Awarding Fair Grades in a Process-Oriented Legal Research and Writing Course,” 43 Wayne L. Rev. 1657 (1997).