

AALS New Teachers' Conference – June 2005

Ann L. Iijima

William Mitchell College of Law

Weekly Quizzes

I give weekly quizzes in my doctrinal classes, during the first ten minutes of class. I give no extensions and allow makeups only for truly exceptional circumstances, e.g., deaths in the family, car accidents on way to school. Although the quizzes are primarily T/F, they occasionally include a short answer question (e.g., “State the rational basis test.”) The students are allowed to explain their answers if they deem it necessary to clarify ambiguities in the questions. The quiz covers materials to be discussed **that** class period.

Grading/scoring: The quizzes count 20% of the students' final grade. The students are allowed to drop their lowest quiz score. I use exam numbers and Microsoft Excel to track the scores, allowing me to run quick averages. My administrative assistant marks the wrong answers using my answer key. Where she marks an answer incorrect, I read any written explanation and sometimes gave credit for the answer. I also score any short answers.

I have been very pleased with this technique. First, the quizzes help me achieve my pedagogical goals. The students are better prepared for class, and having the quiz in the first few minutes gets them “warmed up” – their minds are tracking on the material before we start the discussion. The students and I learn each week whether they are having difficulty with the material. The quizzes take relatively little time to administer – 45 minutes preparation and 20 minutes scoring each week. (My administrative assistant also spends about 30 minutes each week.) Although the quiz takes 10 to 15 minutes each week, we are able to move through the material more quickly than was the case before I started using quizzes.

Perhaps most surprisingly, most of my students like the quizzes. Last year, for example, although the course evaluation did not specifically ask the students about the quizzes, 12 of the 55 students who returned their evaluations commented on the quizzes. 10 of the 12 students commented that the quizzes helped them: keep on track with the reading, focus on important concepts, evaluate their own progress, and with final exam pressure. One student, however, thought that preparing for the quizzes was not worth the time and detracted from other class preparation. Another complained that the quizzes tested on “subtle concepts,” and that if the student “picked up these subtleties [s/he] wouldn't need to come to class.”

The first time I used the quizzes, however, the students complained about the amount of time they spent preparing for my class compared to their other classes and about the stress of having weekly quizzes. Since that first semester, however, the students have come to accept and even appreciate the quizzes, possibly because I began explaining my pedagogical goals in the syllabus. This seemed to produce the necessary “buy-in.” My syllabus explained:

Weekly quizzes: There will be approximately 10 quizzes during the semester including true/false, short answers, and/or essay questions. Except for the first and last days of class and the day of the practice exam, there probably will be a quiz at the beginning of

each Tuesday class. Each quiz will cover the material assigned for that class period.

The cumulative weekly scores will count 20% of the combined quiz/exam grade. Because we will be discussing the answers during the class period, there will be no opportunity to make up missed quizzes. Students, however, will be allowed to skip one quiz or to drop their lowest score. Frequently asked questions:

- *Why do you give quizzes--aren't they a waste of class time?* Frequent testing enhances student learning. Students are better prepared for class and get more out of the discussions. Discussions are more lively. Students learn early in the semester whether they are having troubles with the material. It is easier to pinpoint and correct problems in the students' approach to the materials. I have found that classes move through material more quickly when all the students have thoroughly prepared the materials.
- *Why do you quiz so frequently? Less frequent quizzes would be less stressful.* More frequent quizzes increase the pedagogical benefits of the quizzes and give students an opportunity to continually improve their performance. Because students will be caught up on their class preparation at the end of the semester, there should be less end-of-semester stress.
- *Why don't you quiz at the end of the hour, **after** we've discussed the material?* The quizzes are designed to evaluate your abilities to read, understand, and use caselaw, essential lawyering skills. They are not designed to evaluate your ability to take notes on class discussions, a skill of less value to lawyers. Additionally, discussions are much livelier when students are already focused on the materials. (We have all heard the statement: "Gosh, I can't remember that case--I read it so long ago.")
- *Will the quizzes be likely to help or hurt my final grade? **Assuming you thoroughly prepare for each class**,* the quizzes are much more likely to help than hurt your final grade. Because of the relative weights of the quizzes and final exam, there must be a significant difference in performance for the quiz scores to affect the final grade. Most students will perform approximately the same on the quizzes as they perform on their final exam, and will see no impact. A few students, however, will receive a grade "bump;" they will perform significantly better on their quizzes because of opportunities to improve and to drop one score. Although a reduced grade is possible, so far, none of my students has lost ground because of the quizzes.

Constitutional Law-liberties Scoring Form¹

¹My colleague, Professor Tony Winer, uses this type of scoring grid.

[137 Total Points]

Exam No.: _____

5. Franklin CAP Act in its Initial Form

[43 Points Possible]

1. Reference to counseling in context raises Free Exercise issue 1
Free Exercise Clause of the 1st Amendment 2
Applies initially only to Fed. Gov't. 2
Incorporation against states via 14th Amendment DPC 3
2. Employment Div. v. Smith 2
"Valid & neutral law of general applicability" 3
Co-attendance requirement valid, neutral & general 2
Duly ordained clergy exception may not be neutral 2
Lukumi Babalu Aye v. Hialeah; "gerrymander" exclusions 3
- C. Residual Analysis under Strict Scrutiny 2
E.g., Sherbert v. Verner 2
Strict Scrutiny content & application 3
- D. Establishment Clause Issue; Incorporation 2
Establishment Clause of 1st Amendment 2
Sexual Development training for ordained clergy 2
3-Part Test from Lemon v. Kurtzman 4
Application here 2
- E. Fundamental Right for Child Rearing? 4

II. Amendment to CAP Act

[19 Points Possible]

- A. Restrictions on publication implicate free speech issues 1
Freedom of Speech & Press Clauses of 1st Amendment 2
Incorporation under 14th Amendment DPC 2
- B. Advocacy of Illegal Action as Unprotected Speech 2
Prohibition must pass test in Brandenburg v. Ohio 3
Two elements of statute: advocates & encourages 2
- C. If either element fails Brandenburg, law is content-based 3