Grading Objectivity: Fact or Fiction?

The official administrative response to Professor William Greenhalgh’s Criminal Justice exam grading incident is expected this week, as Dean David J. McCarthy, Jr., plans to address the Section 4 class. The following is a report on the structure of exam testing at the Law Center.

All the students enrolled at the Law Center have now experienced at least once the ritual of preparing for and taking examinations, and have confronted their grades with varying degrees of surprise, frustration or indifference. This article investigates the chance that testing procedures in the majority of the courses at the Georgetown Law Center, procedures that result in a taking one examination at the end of four to nine months of preparation, are arcane, shamefully inaccurate and unfair to students.

The information detailed has three sources: interviews conducted with professors, students, and an expert on testing in the legal profession. The five professors were selected because of their special expertise. Professor Richard Chuss is the head of the Academic Standards Committee, the formal body within the law school which provides a forum for the discussion of examination procedures. Dean Frank Pfeil represented Georgetown at the Loyola conference on testing procedures which was held last year. Professors Steven Cohen, Steven Goldberg and Roy Schotland were also interviewed. And students from each class were polled. Michael Josephson, Chairman of the Teaching Methods Committee of the American Association of Law Schools (AALS) and Professor of Law at Loyola Law School in Los Angeles, was also interviewed.

The article examines the structure of testing at the Law Center, the experiences of students and faculty with the current system, and the shortcomings that are evident in light of the findings presented by participants at the Loyola conference on testing procedures.

The problems exist principally in the first year courses, problems which are unavoidably linked to the structure of the first year curriculum, and in the upperclass lecture courses (i.e. corporations, administrative law, decedents’ estates, etc.). In the smaller upper class courses and seminars the problems are lessened because of the increased feedback obtained by both students and professors, the willingness or ability of the professors to experiment with various examination techniques and the alternatives to test-taking such as research papers and class presentations. But the lack of alternatives and initiative to experiment in the first year and large upperclass courses have resulted in exam procedures which, in the unanimous opinion of the students interviewed, are so inaccurate and insensitive as to have become little more than required games. As Professor Chuss commented of his own law school experience, “You go in blind. You come out blind.”

Why are law school examinations important? Although subject to some exceptions, examinations are required by the American Bar Association. Rule 304(b) of the ABA Rules relating to the approval of law schools states, “The scholastic achievement of students shall be evaluated from the inception of their studies. As part of the testing of scholastic achievement, a written examination of suitable length and complexity shall be required in every course for which credit is given, except clinical work, courses involving extensive written work such as moot court, practice court, legal writing and drafting, and seminars and individual research papers.” Examinations are important to professors because they

(See Grading, page 4)

Honors Program Jobs Still Uncertain

“Because of the excesses of a few agencies the result is that all have to suffer,” said Robie. Although he declined to identify any of the culprits, he pointed out that the Justice Department was not among them.

Summer Jobs

The status of summer jobs under the OMB freeze guidelines is still unclear. Robie stated that according to sources in OMB summer employment fell far below the “seasonal” job exemption, and therefore was not affected by the freeze.

Another speaker at the meeting, Dick Herman, co-editor of the Federal Legal Employment Report, a private publication, disagreed with Robie’s interpretation. As of last Monday, Herman said, OMB was not going to apply the freeze to summer jobs.

Honors Program

Robie felt optimistic about the fate of jobs offered under agency honors programs. He said that all agencies would be seeking exemptions for the law students accepted in an honors program. “I would be very surprised if the Attorney General didn’t go forward with a great deal of support for the honors program at Justice,” said Robie. He stressed that in an appeal process priority would be given to the honors program because of its importance to the department. “The Justice Department has expended a great deal of time, money, and energy in building up this program,” Robie said.

Robie stated that the arguments in favor of allowing the honors programs from the freeze were powerful. He cited the fact that honors programs have traditionally been excluded from all hiring freezes. He also argued that “if the government were to consider offers to law students, it would create a serious credibility problem for the government and would impair its ability to hire qualified attorneys in the future.”

“The most telling argument,” according to Robie, is that since the honors programs begin next October, they do not even fall under present hiring, but under hiring for the period after the freeze is lifted. On this view, no exemption is really called for because the honors programs shouldn’t even be considered under the freeze in the first place.

Raymond Schuman from the IRS Office of Chief Counsel emphasized the temporary nature of the freeze, which is tied to the release of Reagan’s revised budget for fiscal 1982. Once the new employment ceiling figures for each agency are established in the revised budget, both Schuman and Robie indicated that there wouldn’t be any more problems with the honors programs, since each agency head would have discretion in filling new positions.

Herman noted that OMB has yet to receive any exemption requests from executive departments and agencies. It is anticipated that appeals will take 6-8 weeks to process, with the period expected to increase as more appeals are filed.

Robie said that the filing delay is due to OMB’s request that each agency consolidate its appeals and submit them all as a package.
Professor Easley characterized Gays encounters with the police as being of two types. The first is in the situation where a Gay person has been the victim of a crime. Easley notes that: "Often, when officers realize that Gays are involved in these crimes, their interest in following up on the complaint drops markedly." He explained that this attitude is fostered by the police men's own biases against Gays and stereotypical images of Gays picking up men and thereby becoming their "victims." The second type of encounter that Professor Easley spoke of was "affirmative hostility," which can consist of beatings, verbal harassment or sexual abuse. In these situations, according to Easley, are quite difficult to deal with because of the system whereby complaints are filed against the police in the District of Columbia. The process of filing a complaint against a District police officer, as well as the ensuing investigation, is a completely internal one; everything takes place within the police department, and access to information is virtually impossible. Furthermore, 92% of the complaints filed against D.C. police officers are eventually dismissed. Professor Easley sees anti-Gay public officials, like D.C. Chief of Police Burriel Jefferson, as a particular roadblock to fair treatment from police officers. Mayor Marion Barry Jr. has been slightly more supportive of Gay Rights, but Easley states that Barry "has his limits," and is adamantly about keeping Jefferson at his post.

At the present time, there is a bill before Congress proposing the establishment of a D.C. Civilian Review Board to look into complaints made by the Gay community concerning police practices. Easley and other members of the Gay Activists Alliance, have been eager to get such a bill passed for a long time. Just as all D.C. legislation, the Civilian Review Board Bill must wait 30 days before Congress can look at and then act on it. With the growing number of openly admitted Gays in Washington, Professor Easley believes that political leaders in the future will be more responsive to the needs of the Gay Community. He warns that this may turn against Gays, making them "victims of their own success." Candidates will "learn to say the right things" and do differently once they're in office.

NIU Budget Cut Affects Dash's Institute

By DENISE PAGANO

The Police-Prosecutor relations report submitted by the Institute of Criminal Law and Procedure in November to the National Institute of Justice was "well received" according to NIU Director Cheryl Marron. The consensus of the reviewers, said Marron, was that "the report contained some good useful information, which will be disseminated in the field." The report was written by Professor William McDonald, an instructor of Criminology at the main campus.

Budget Cuts Present Problems

The dilemma to be faced now, however, is the budget cut affecting the NIU. According to Marron, their budget was cut by 70 percent at the end of the 1986-87 session. "Therefore," she said, "we only have 30% of our original budget to work with." "We had to reorder our priorities and at present are only continuing with the projects we already had running." As a consequence, the grant which the Institute of Criminal Law and Procedure was hoping for when they submitted their report on "The Role of Assigned Councils" has been, at least temporarily, put on hold.

Dash Still Hopeful

Professor Samuel Dash, Director of the Institute of Criminal Law and Procedure, said that he was "still hopeful as to the outcome of the NIU's review." "I have not as yet received any official word from the NIU. They are in the process of appealing their budget cut, so our status is still unknown." Dash continued, "I understand that they were impressed with our report. However, they have not notified me in writing that the funds we were expecting will be either denied or approved. I am not expecting any money from them until they get the final word on their appeal." Marron concluded, "We would like to give the Institute more than the $50,000 we were going to allocate them immediately after our budget was cut; however, I doubt if we will be able to give them the $250,000 that we had originally planned."

MOOT COURT TEAMS CHOSEN

By GERRY HARGROVE

The Barrister's Council has announced the selections of the 1981 Labor and Administrative Law Moot Court Teams. Selected for the Labor and Administration Moot Court Teams were Thomas M. Mitchell, Thomas B. Romero, and John Turi, Peter Seleged-Maxax, Dave Bruckner, Paul Walker, and Paoliowski, members of the Administrative team.

The teams were selected from a group of approximately ten contestants in a pre-competition competition. Contestants were provided with a Supreme Court record and brief and argued for fifteen minutes on the issue of whether the denial of unemployment compensation benefits to a Jehovah's Witness, who voluntarily terminated his employment in the arm's production section of a factory, violated his 1st Amendment right of religion.

Judges for the competition were Barbara Miller, of the Jesuum Team, and Jim Mc- Kown, from the Barrister's Council.

The National Competition for the Administrative Law section will be held March 12-14 in Dayton, Ohio, with the issue being the Federal Hazardous Transportation Act. Other students participating in the competition include, Thomas University of Cincinnati, UCLA, and William and Mary.

The Labor Law competition will be held in New York City on March 26. The issue will be whether an employer's reasonable and good faith doubt of majority support for the certified representative of his employees is sufficient to justify both a refusal to bargain and a change of credit union lending policies.

RESHELIVING GETS A LIFT

By DENISE PAGANO

The committee to establish the "Caring Community Program" at GULC met last week in order to clearly define the goals and objectives of the Program so that it can be conveyed to the Law Fellows instructing the Legal Research and Writing Seminars.

Dana Biehe, one of the Coordinators of the Legal Research and Writing Program, was in attendance. He was invited by the Committee to assist them in their preparations for this week's presentation to the Law Fellows.

The Program

The structure of the program is multi-level. The short range goal of the project is to eliminate the tremendous reshelving problem in McDonough Library. This would be done by instructing the Law Fellows on the "frontloading approach" asking someone who has not reshelved in books to reshelve them next time.

However, the Law Fellows have to be more than just reshelving and commitment to their memo-laden first year studies. The Caring Community Program involves a change in what Committeemember Gordon McHenry calls "do it for the behavior." This involves the development of expectations of behavior (i.e., expecting books to be reshelved with a time limit, as well as an emphasis on results. The Committee would like the Law Fellows to inspire their students not only to learn new behavioral patterns but also to urge that the students become involved in

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Library Concerts Well Worth the Wait

BY CAROLE KAGAN

Have you ever tried to get tickets to a Lib-

by Congress chamber music concert

on Monday before the concert at 8:30 a.
m. only to find that (a) the special phone

number was busy all morning; (b) the line

was too long and you had to be at work or
(c) the mere thought of waking up at 8:30 on

a Monday morning gave you heartaches? Per-
haps you never even knew that there were
chamber music concerts at the Library of
Congress. Read on, music lovers; relief is on
its way.

Some of the best classical music concerts
in Washington take place within walking
distance of the Law Center. The Library of
Congress sponsors a variety of chamber
music concerts at its 600-seat Coolidge
Auditorium every month. In October and
March, the Juilliard String Quartet is in
residence, while other nationally-known
artists perform during the rest of the year.

The Coolidge Auditorium is generally the
best place in this city to hear small ensem-
ble playing; ideally-sized and with better
acoustics than, say, the Kennedy Center’s
Terrace Theatre. Tickets to all concerts may
be had for the princely sum of 25c.

So what’s the catch? Officially, tickets
become available the Monday before a per-
fomance (usually Thursday and Friday
nights at 8 p.m., but not always) at 8:30 a.m.
at Jordan Kitt’s Music Store, 1330 G St.,
N.W. There is a limit of two tickets per

person. Obviously, this is a bit inconvenient
for most people. Theoretically, tickets
may also be reserved by calling 393-4463 at
the same time, but I’ve never known of
anyone who’s actually been able to get
tickets that way.

The good news is that, if you have a little
ticketholders to the auditorium proper.

patience, the above procedure, plus the

25c, is unnecessary. Simply show up

at Jordan Kitt’s Music Store at 8:30 a.m.
at least one hour before the concert is
delayed to begin, and get in the line that
is probably already formed. Bring a
book: a casebook if you’re feeling ambi-
tious and/or guilty. Shortly before the con-
tact will be issued a number and ad-
mitted to the Whittall Pavilion adjacent to
the auditorium, where the concert is broadcast
in stereo over closed-circuit T.V. Once
most ticketholders are seated, an usher will
begin calling numbers and admitting non-

(Continued on Page 3)

Spotlight On Arts

BY CAROLE KAGAN

MUSIC

National Symphony; Meister Rostros-

ovich conducting, with Bradford

Gowen, piano; Kennedy Center Con-

cert Hall, Feb. 10, 11 and 12 at 8:30. A

Beethoven program, Rostroovich

conducting, with Rudolf Serkin, piano.

Feb. 13 at 8:30.

By Corder; The Bayou; Feb. 11 and 12

at 8.

Joel Krosnick, cello; Gilbitt Kallish,

piano; Coolidge Auditorium, Library of

Congress; Feb. 13 at 8:30 and 8:30.

Paul Hill Chamber; Norman Luboff,

guest conductor; K.C. Terrace Theatre.

Feb. 13-14 at 8:30.

Folger Consort: Music of the 14th Cen-

tury, Folger Gallery; Feb. 14 at 8:15.

Feb. 15 at 5:30.

Carlos Montoya, flamenco guitarist; K.C.

Concert Hall; Feb. 14 at 8:30.

Kary Lorenzen, harpsichord; Phillips

Collection; Feb. 15 at 5.

Larry Saitzler, guitar; Ruth Vinci-

guerra, flute; National Gallery East

Garden Court, West Building; Feb.

15 at 7.

Choral Arts Society; Norman Scribner,

conductor, Phyllis Bryn-Julson, sop-

rano; K.C. Concert Hall; Feb. 15 at 8:30.

DANCE

Dance Theatre of Harlem; K.C. Opera

House; Feb. 10 at 2, Feb. 14 at 2, 8.

Feb. 15 at 13:30 and 7:30.

Washington Ballet; Linder Auditorium,

G.W.U.; Feb. 13 and 14 at 8.

THEATRE

Sarah in America; by Ruth Wolff; Ken-

nedy Centre. Eisenhower Theater;

Feb. 13-24. Monday thru Sat. at 8 p.m.

every evening. Thurs. & Sun. at 2 p.m.

Tickets, 254-3670.

Banjo Dancing; Arena’s Old Va. Thea-

tre; thru Feb. 22; Wed.; thru Sat. at 8 p.m.

Sun. 2 & 3:30 p.m. Tickets, 448-

3300.

They’re Playing Our Song; by Neil Simon.

National Theatre, thru Feb. 21, Tues.

Thu. Sat. at 8 p.m.; Wed. & Sat. mat.

at 2 p.m.; Sun. mat. at 3 p.m. for time and
ticket information, call 628-3939.

(Continued on Page 5)

Drinan Voices Support for Israel

BY GEORGETOWN JEWISH

LAW STUDENTS ASSOCIATION

Father Robert Drinan addressed a crowd
of sixty law students on the topic of “Israel
and the Jews” in the 1960s” at the moth-
ly Georgetown Jewish Law Students
Association brunch (On Sunday, February
1). He emphasized strong, continuing U.S.
commitment to, and support for, the State
of Israel, as well as a growing concern in
the drop off in emigration of Soviet Jewry.

Drinan also warned of the dangers in the
persecution of Latin and South American
Jews.

Father Drinan is presently teaching the
International Human Rights Seminar at
Georgetown. He came to the Law Center
following five terms in the House of
Representatives. While in Congress, Drin-
an was known for his relentless support of
human rights, Israel, and Soviet Jewry. He
has continued his efforts on behalf of
human rights through active participation
in Amnesty International. Prior to his ser-
vice in Congress, Father Drinan was the
Dean of the Boston College School of Law.

Drinan noted his exaltation over the
Camp David peace process, calling it the
greatest work for a comprehensive peace
plan in the Middle East. He expects that
President Reagan and President-Visitor Bush
will remain committed to the Camp David
ideals established by former President Car-
ter. He called attention to President
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Rich Jazza Up DC

BY JERRY J. DUNIETZ

Out-of-towners are frequently heard to
disparage the music scene in Washington.
Little do they know, however, that the
problem is one of quantity, not quality.
High quality musicians are to be found, if
only one knows where to look. For exam-
ple, there’s Lisa Rich.

Last Monday night at Charlie’s in Ge-

orgetown, she had the complete atten-
tion of all assembled as she sang her way
through two sets. Dinners and drinkers alike
found it difficult to pay proper attention to
their fine food and drinks, when jazz like
Rich’s filled the air.

Female vocalists in the general music
industry are increasing in numbers these
days, but the trend is not as pronounced in
jazz. Therefore, when one encounters a
new talent, she should be heard and noted.
Make no mistake about it, Rich is defi-
nitely a jazz singer.

Besides, “I could definitely make a lot
more money singing Top 40—I’m con-
stantly being offered those gigs—but I tell
them I’m a jazz singer. I’ve just got to stick
to it.”

Although her own style is still de-
veloping, Rich is capable of singing a wide
variety of material with equal finesse. She
was able to start a song in a low, sultry tone
and gradually make the transformation to
some great improvisation. In fact, Rich is at
her best when she scats, and she should not
hesitate to break into scat when the mood
strikes her.

Rich is backed up by a trio whose mem-
bers are equally accomplished. It is headed
by singer LISA RICH

by Dave Kane on piano, who also does
the arrangements. Originally from Florida,
Kane has studied at Creative Music Stud-
ios in Woodstock, New York with Alan Man-
del. Bassist Steve Novod is hailed in the
highest regard on Washington’s club cir-
buit, having played with Stanley Cowell,
Milt Jackson, Ray Bryant, and Rahanna
Roland Kirt. Mike Smith completes the
trio on drums. The group opened each set with
without Rich, showing that their chops
were up to hers. Especially memorable was
Wayne Shorter’s “Footprints,” rendered a
la McCoy Tyner.

Rich and her group displayed a versa-
latility in switching idioms, performing
numbers which were often recognizable, some-
times obscure, with equal ability. Her first
set featured two songs made famous by
Nancy Wilson and Cassandra Adderly;
“Old Country” and “Never, Never Will I
Marry.” Among the songs in her second set
was a Billie Holiday medley, “Lover Man,”
“Is My Solitude,” and “All of Me.” The other
standards included “Love For Sale,” by Cole
Porter, “Can’t Get Started With You,” by
Benny Duke and Ish Gemshin, “Twisted,” by
Anne Ross of Lambert, Hendricks and Ross,
“Agua de Beber,” by Carlos Antonio Jobim,
“ Prelude to a Kiss,” by Duke Ellington’s
dad (another example of musical herit-
age). Although these songs have been covered extensively by numerous others, Rich showed herself capable of
carving out her own niche among them.

Rich demonstrated the current stage of
her style’s evolution when she sang mater-
ial which was less well known or outside of
the jazz genre. Particularly notable were
“Hold Out Your Hand,” by Steve Kuhn, and a
cute version of the Beatles’ “Can’t Buy Me
Love.” Both renditions were especially
rich fendowed a sensitive and soul-
searching introspection which, hopefully,
will be further developed in the future.

Having played at many of the clubs in

(Continued on Page 6)
Grading objectivity: The Strict

(continued from page 1)

afford an opportunity to review the effectiveness of their teaching techniques, their organization, and the present ability and clarity of their materials. "Examinations are valuable feedback for professors, although they are not perfect," Professor Goldberg said. "When my class as a body reflects weakness in some area I know that I'm doing something wrong and I try to correct of my approach for the next year."

To the extent that examinations accurately reflect these considerations, professors are denied an important tool in the refinement and maturation of their skills. For students, examinations are important for at least two reasons. First, they usually result in a grade, and grades greatly influence one's overall performance immediately after graduation. Secondly, and more importantly, examinations influence the whole learning process. What one learns and how well one chooses to learn it are undoubtedly linked to the manner in which one expects to be tested. At Georgetown, stories abound of students who rarely attend class, occasionally read the text and who purchase commercial outlines two to three days before the exam—yet do as well or better than 70 percent of the class.

"I can sometimes see it in an examination, that the guy hasn't been around that much," Professor Scheldt stated. "But in fairness, there's not much you can do."

Professor Chused stated, "We know that this is a problem, and we're looking at ways to do something about it."

Unclear Criteria

The fundamental problem with the present examination procedures is that it is unclear exactly what they evaluate or what the grades given reflect. In an effort to get an idea of what professors believe they are testing, each professor was asked what he was looking for in an exam. The answers were consistent: 1) whether the student had attended class; 2) whether the student can apply the material to unfamiliar circumstances (i.e. analytic skills); and 3) whether the student has developed a sense of the more sophisticated policy concerns of the materials as a whole.

The difficulty is that factors wholly unrelated to what is purportedly being tested enter into the evaluation process, according to experts on examination procedures. A two-day conference on law examinations was held in March 1980 at the Loyola Law School in Los Angeles, sponsored by the American Bar Association. Examiners, highly detailed studies prepared by the California Bar Examiners, perhaps the most sophisticated of the lot ever conducted, were the results. The starting point, for they showed that examiners, like law professors, are influenced by a number of factors. Rather than test results, studies were found to be poorly influenced by such variables as handwriting, reader fatigue, the order in which exams were read and students' reading speed. The studies do indicate that handwriting depending on the degree of legibility has either an upward or downward effect on the grade assigned. An answer which might be blackened correctly could receive less credit than it deserved, while an answer which might be incorrect could receive more. Professor Goldberg commented, "I try very hard not to allow handwriting to affect a student's grade. Conceivably I know I'm not allowing it to do so. Subconsciously there may be things going on which I know nothing about.

The studies also showed that typewritten exams fared better than handwritten ones. Another factor that enters into the evaluation process, according to the studies is the student's ability to write quickly.

Professor Flegal, who represented Georgetown at the conference explained, "In a four-hour examination a student might do 0 work, whereas in six hours he or she might do A work. What you have tested, in effect, is what this student can do in four hours, and not his or her competence in the material. Consequently, this student has been penalized because he or the work or writes slower."

Professor Goldberg said, "Over the years I have learned to take reading speed into consideration. Students who read slower are almost always unfairly handicapped, and in most instances a lawyer’s competence does not depend on how fast he reads."

On the findings of the California study Flegal noted, "It is very difficult to argue that any of these factors have anything to do with being a lawyer."

Beyond these shortcomings, serious questions exist about the validity of using the traditional fact pattern type test as the kind of information professors say they are seeking.

Professor Michael Josephson, coordinator of the Conference, insisted, "Mastery of the material means different things. It may mean the objective knowledge of the material or the ability to take the information and do some kind of analysis with it. Different kinds of examinations call upon different skills. This has to be taken into consideration."

Fegal agreed, "If you want to test whether the students know the information, then you have to take some objective, rather mechanical questions in which subjective judgment is removed."

"I have always been an advocate of fewer categories, and I am on paper as being that," Goldberg said. "I am a fewer categories man. It is very difficult to be sure once you begin to make such fine distinctions. Where I went to law school [Yale] they had only four gradations, and I think that is preferable to the number that we have here."

The California studies also demonstrated that the order in which papers are read affects the grade. Poor papers tend to make those average papers read immediately after it appear unjustifiably better in quality, while a good paper makes average papers appear unjustifiably worse.

In addition, fatigue was shown to prejudice scoring. Josephson remarked, "Fatigue passes graders in a different disposition, in a different mood, and unfortunately these studies show that it adversely affects consistency."

Professor Goldberg stated, "It takes super discipline to mitigate against the fatigue factor. When I'm doing my right I read a set number, have my eyes on the office and I say 'okay, I'm going to read six exams today, six exams.' And when I'm doing it right I'll read six. It's very tough."

"The advantages are simply that: all judgment is removed. The disadvantages are that one has to get one basis to express reason for the choice made and good alternatives are not fairly judged. You have to be aware of what you're after," Fiegel continued.

Students maintain that it is unreasonable, and "a little insulting," to be given one examination that effectively tests mastery of the material in a few hours, particularly after four to nine months of preparation.

Analytical Skills

As far as analytical skills are concerned, they are more likely to be fairly tested, students feel, because exams confront them with new circumstances to attack and prioritize. But the experience of 70 to 80 percent of the students interviewed suggests that exams are not analytically challenging: the time constraints severely limit careful exposition. More than anything examinations tend to present simple concepts clearly disguised. To the extent that students are asked to convey a sense of the more sophisticated policy considerations involved, many complain that if it takes four to nine months to teach a course, so that it has cohesiveness and direction, then more than a few hours is needed to convey that.

Josephson said that one of the objectives of the law school examination process should be reliability and validity.

"The order to be fair must be to make those taking it and must be capable of reflecting consistency in the grading process. A reader grading such an exam should assign the same score each time. A valid exam measures those skills which the tester seeks to evaluate, and these measurements should correlate with ability."

At Georgetown each professor reads and grades all of the papers he interviewed had recently finished reading over 540 fourth-year books. Unpublished studies by Examiners from the California system convincingly demonstrate that the subjectivity of the professor and the fatigue they experience in grading examinations are factors which greatly undermine both reliability and validity.

The purpose of the studies was to test the consistency of grading exams. In one test, pairs of graders were given the same set of exams to evaluate. They were to decide whether the exam passed or failed. Graders disagreed whether an exam had passed or failed 33 percent of the time. In other words, in one out of every three cases an exam would fail any examination the other graader would pass, and vice versa.

"After 400 bluebooks, the tendency is to say not good, not good, not bad, C."

Exam Book Course 

Date  

Number  

BENCHMARK EXAM IN THIS FIELD

EXAMINATION DATE

GRADED

DR. XXX

GRADING RUBRICS

EXAMINATION DATE

Grade

EXPERIMENT

To simulate the law school setting, another study asked graders with a series of essays to evaluate, again, a pass-fail basis. Later during the experiment the graders was given some of the same essays he had previously graded, though these essays were disguised in a manner, so that none of the graders had written the same essay. The graders were to act neutrally as graders were asked to make moral judgments, such as assigning grades to each paper. Josephson, who participated in the studies said, "The graders were not surprised if the incidence of change be 66 percent or more as you move further into evaluation."

It indicated that changes from C to D and B to C were common. At Georgetown there were five graders, and Graders do say, they are required to make moral judgments."

"And I don't know of a single graders at Georgetown who is accustomed to demanding a C or B." Flegal commented, "Most semesters I read hundreds of exams from the year before. In the first few months from they can not make their grades. In the first few months from they received a C and another received a B."

"I don't know if the graders are used to doing it in any year."

At least the examinees will write their grades on the back and show it to the graders. For those which never received the grades, that is, the graders that made a grade different, the graders only received it. The graders were very much surprised that the graders;"

The study of the graders noted that the graders would not be surprised if the incidence of change be 66 percent or more as you move further into evaluation."

As the graders, the graders were asked to make moral judgments, such as assigning grades to each paper. Josephson, who participated in the studies said, "The graders were not surprised if the incidence of change be 66 percent or more as you move further into evaluation."

Josephson added that all graders at Georgetown were convinced of the subjective nature of the graders in the first year compared to the graders in the second year.

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The graders indicated that changes from C to D and B to C were common. At Georgetown there were five graders, and Graders do say, they are required to make moral judgments."
tutrition of Testing

In 25% of the cases the same grader failed papers he had previously passed or passed those giving failing grades.

Juan prodded himself with homework for five law courses and research for his spring brief last February. He would see him in the library with law reports and law journals piled high on his table. He followed a pretty rigorous schedule, generally arriving at eight a.m. on weekdays and working until midnight. It was not unusual to find him in the library studying on Sunday nights. He completed his homework for the entire week on the weekends. He researched his spring brief on weekdays.

Juan's conduct was (in varying degrees) typical of first year students at the Law Center. First year students are busier than ever writing spring briefs, attending class, reading assignments and, hopefully, enjoying a few periods of relaxation. Many haven't recovered from the shock, elation, pain or disappointment (pick one) of their first year of law school grades.

When he asked what he would suggest within the existing framework be repeated, "More experimentation. A lot more."

The varied seminars and clinics are very valuable assets; Gettysburg's reputation turns in large part on these kinds of programs. But critics raise several arguments against their being implemented at the sacrifice of smaller first year and upperclass courses.

First, it is difficult for a student to recover from a poor-to-moderate first year experience, both in terms of grades and the quality and thoroughness of the learning experience. There is no question that the first year courses are the foundation of the study and practice of law. To what extent are students being asked to sacrifice a first year and more thorough first-year experience to perpetuate the seminars and clinics?

Second, by the time most students encounter the seminars and clinics, usually in the spring of the second year or in the third year, their options as far as employment opportunities are concerned have often already been determined. The seminars and clinics certainly do not hurt one's options, but their practical value, it is charged, is diminished because of the time frame in which they are experienced.

Authority

The last problem is administrative in nature. At Gettysburg one law professor is solely responsible for every phase of the examination. He or she decides what the format will be, how lengthy the exam will be, and reads grades every paper, and affords the only review process save in the instance of a failing grade. In a graduate school setting this is too much authority and responsibility for one individual to have with respect to a hundred others? Students generally say yes. There are some safeguards, such as the blind grading system. The degree of discretion exercised by any one professor over the fate of a hundred or more students is "medieval," one student commented. Of all the problems discussed is perhaps the most difficult and sensitive to resolve, but there are intelligent alternatives that might lessen the potential for harm.

Part Two of this article will explore alternative approaches to the problem of examination procedures, focusing on the means other law schools have used to evaluate their students.

Spotlight

Continued From Page 5

Simplified Ladies: a new musical based on the music of Duke Ellington; Kenton's Opera House; Fuji Sushi, 8, Tus, thru Sun., evens. at 7 p.m., Sat. & Sun. mats. at 2 p.m. (call for exceptions). Tickets, 254-3600.


The Suicide; by Nikolai Erdman, Arena Stage, thru Feb. 22, Tues. thru Sat. evens., 8 p.m.; Sat. mats., 2 p.m.; evens., 7:30 p.m. Tickets, 488-3300.

Crossing Niagara: by Alonzo Alejria: Folger Theatre, Feb. 3 thru Mar. 10, thru Sun., 8 p.m.; Sat. & Sun. mats., 2 p.m., Tickets, 564-4000.
Commitments

Larry Goldin, a law student at George Washington adversely affected by the hiring freeze, believes in arguing his case to OMB himself. Below are excerpts from a petition he is sending to OMB Director David Stockman that sum things up rather well.

"...Although the particular circumstances for each of us varies, we all hold firm commitment letters for executive branch attorney positions that were to have commenced shortly after law school graduation in May, 1981. The Government's interest in competing with other prospective employers for well qualified graduates has necessitated that offers be made nearly a year before employment actually begins. Many of us, in accordance with the Government's offers, have rejected other positions that are no longer available, while others have forgone applying for jobs in the private sector because of their desire to work for the Government. All of us, in being forced to search for substitute jobs at this comparatively late date, have diminished prospects of finding positions of equivalent challenge and opportunity. It is especially ironic that several of us are currently working part time for the agencies which gave us the firm commitments for full-time employment.

"Irrespective of the questionable legality of the freeze's retroactive effect, we are entitled to find an ethereal justification for the Administration's abrogation by executive fiat of binding agreements into which it has entered. We consider this inadequate to justify the action by pointing to the change in administrations insofar as President-elect Reagan so emphatically denied any intention to undercut in any way President Carter's authority during the transition period.

"We take no issue whatsoever with the Administration's worthy goal of reducing government cost and increasing its efficiency. However, we consider the Administration's disregard for the commitments it has made and its indifference to the hardships it has caused wholly unjustified.

"Eventually, of course, Federal hiring will be resumed. At that time, the Government's ability to attract dedicated and qualified persons to its employment will surely be impaired when it is recognized that the Government's word is subject to abrupt and unwarranted repudiation.

"Sixty years ago, Judge Learned Hand, recognizing the type of concern which we voice today, said, "In the performance of its voluntary engagements with its citizens (the United States) should conform to the same standard of honorable conduct as it exacts of them touching their conduct with each other. Any policy which would exempt the United States from the scrupulous performance of its obligations is base and mean; it serves in the end to bring the United States into contempt, to prejudice it in its dealings when it enters into the common fields of human intercourse, and to arouse the indignation of honorable men."

"Hill v. United States 273 Fed. 729, 731, 1921..."

Letters

"Inclement Weather"

To the Editor:

I wish the Dean's Office would stop sending the "Inclement Weather" announcement in the Res Pdens section of the Law Weekly. It is just as useless as it was when the storm mandate that "all...students...are expected to make every reasonable effort to meet their respective responsibilities." This announcement resembles the parent's nagging admonition to his twelve-year-old not to skip school. Furthermore, the announcement conveys the impression that the Law Center is an insubstantial formation whose mission is so crucial that it will never close. Be serious. Anyone here two years ago remembers that the place was shut down for three straight days in February. Instead of issuing pataphysical legal memes, why can't the Dean's Office just advise us that the school will remain open unless there is inclement weather, in which case a cancellation announcement will be made on such-and-such radio stations.

Bill Breg '81

Clinic Furniture Arrives

Last week, the Law Weekly reported that the Sex Discrimination Clinic was suffering from a lack of office furniture for more than a year. The situation became so critical that Laura Rayburn, clinic director, sent a furious memo to the Dean's Office stating that she would not see any more clients until decent furnishings were provided by the Law Center.

Since publication of that story, the Law Weekly has learned that office cabinets have been sent to the clinic and that chairs are expected to arrive shortly.

Phi Delta Phi

On Thursday, February 12 at 7:30 P.M., in the Faculty Lounge, the James Brown Scott Room of Phi Delta Phi will present the first in a series of speakers on various important areas of the law. The February guest speaker will be Walter Evanoff, who will address the subject: "Evidentiary Problems from the Police/Prosecution Point of View.

A 26-year veteran and retired sergeant of the Washington Metropolitan Police Department, Mr. Evanoff has also taught investigation at the Metropolitan Police Academy, served as an investigator for the U.S. Department of Labor, and is currently attached in that capacity to the Bureau of Mine Safety. His insights gained over a long and distinguished career should prove useful to those interested in gaining a more extensive understanding of police investigative procedure and in learning about the aspects of criminal evidence either overlooked or by our particular problem to prosecutors and defense attorneys.

The program will be followed by a question-and-answer period and a wine and cheese reception for Mr. Evanoff. Applications for membership in Phi Delta Phi will also be accepted at that time.

For further information, watch the Phi Delta Phi bulletin board in the student lounge or the kiosk in the lobby.

Rich

(Continued from Page 3)

"I saw her in D.C.

LISA RICH (AND FRIENDS)— Appearing Monday, February 9 at Char- lottesville's, 3223 K Street, N.W. Sets at 8:00 and 10:00, Call 298-9885. Appearing Fridays in February at The Wharf, 119 King Street, Alexandria, 9:00 to 1:30 (with Bob Gibson on bass). Call 936-2834.

"It's like they told you over at P.R. — It's a good show, and a couple of months from now you won't remember that it ever happened!"

Philosophy:

The Georgetown Law Weekly is published bimonthly during the school year. Views expressed herein are those of the authors and do not necessarily represent the views of the Law Center administration. Policies governing the use of the Law Center's name, logo and other intellectual property are set forth in Copyright Policy (1992) by the Georgetown Law Weekly. Permission is required for significant use of the Law Center name, logo or any editorial content. Inquiries should be directed to the Law Center's director of communications. 1010 F Street, N.W., Washington, D.C. 20004 (202) 636-4204.
Negotiations With Fisher Thrive

By RUSSELL SMITH

Last semester Professor Adrian Fisher taught a Negotiation seminar which proved to be extremely popular with the students. In fact, the seminar is being offered twice this semester. Both sections have surpassed the seminar limit of 22 students.

Fisher, former dean of the law school from 1969 to 1975, conducted a seminar on International Negotiations from 1975 to 1977. The course focused on international disputes and was "largely autobiographical," in Fisher's own words, however, the "war story" put a little tension into a "Monday morning." The current seminar is less structured and broader in its scope. Fisher believes that the case method approach is useful for inculcating negotiating skills. He's "read all the books" and considers them to be "stupidly simplistic." Nor does he consider his proper role to be that of a lecturer or teacher. He describes himself as a "fellow student."

The seminar is broken down into six separate negotiating problems. These include an international hijacking/hostage problem, a labor-management negotiation, an airline "strike" and a "wage and salary" dispute. The professor is directly related to the educational value of the course.

Takeover. Fisher allows students to decide which side they wish to be on, and assigns positions only if an imbalance develops. No such imbalance occurred last semester, which Fisher feels is a reflection of the inclusive nature of the problems.

Each negotiating team consists of from two to six students. The only requirement is "a good pair of legs" since a fair amount of walking is involved and the negotiating sessions can last from two to five hours.

"An unstructured atmosphere" prevails. If one student group is discussing a problem, and another group wants to continue the same negotiation, Fisher allows them to leave the seminar room and do so.

Fisher sees himself as a "control," whose primary function is to provide some sense of timing, so that all six positions are fully negotiated over the course of the semester, and to prevent the facts from developing to a point where they become "unreal." Provided the students stay in bounds, Fisher thinks the course can be a meaningful educational experience. Fisher has no idea as to where the students are getting information from, but I'm having the time of my life. It's been my experience that, on balance, the enjoyment of the course is directly related to the educational value of the course.

From Student Activities

Amnesty International
A film, "The Chihuahua," is a registered student organization on Feb. 4, 1981. We are now working on an International Peace Council. In the next week or so, the League for Human Rights will be on campus, including a guest speaker. The next Peace Council will be on Feb. 11, 1981. This week, we are on a "heart appeal" to all students to contribute their support to the National Lawyers' Committee.

BALSA—Black History Month Activities
A film, "The Chihuahua," will be shown on a "heart appeal" to all students to contribute their support to the National Lawyers' Committee.

Law Student Association
A film, "The Chihuahua," will be shown on February 11, 1981 at 9:16 p.m. in the Moot Court. The entire University is invited to attend.

Asian American Law Students Association
A film, "The Chihuahua," will be shown on February 11, 1981 at 9:16 p.m. in the Moot Court. The entire University is invited to attend.

Hall 6. Speakers include Leslie Harris, ACLU; Laura Rayburn, Genetic Sex Discrimination Clinic; and Sue Ellen Grider, Association for Action. Wine and cheese will be served.

Phi Alpha Delta
Phi Alpha Delta's annual "inns of Court" program will be held on Friday, February 13, 1981 at 5:00 p.m. in the third floor of the National Lawyers' Club, 1815 H Street, N.W.

La Alianza del Derecho
La Alianza del Derecho is a Latin American students' group. They will hold their annual meeting on February 11, 1981 at 10:00 p.m. in Room 1B-18. They will be happy to answer any of your questions regarding the BRL. Please be prompt.

WRC Susan B. Anthony Dinner
The Women's Rights Collective will be continuing its work for the Susan B. Anthony Dinner. Tickets are $5.00 for students and $10.00 for others. Ruth Bader Ginsburg, Judge for the U.S. Court of Appeals, D.C. Circuit, will be the keynote speaker. The dinner will be held in Copley Hall on the main campus, on February 17, 1981. A mailing list will be passed out on Monday, February 9, 1981 at 9:16 p.m. in the Moot Court. For more information, contact the Women's Rights Collective.

GCLU Abortion Rights Forum
The Georgetown Civil Liberties Union is sponsoring an Abortion Rights Forum on Tuesday, February 10, 1981 at 6:00 p.m. in

Res Pendas (Continued from Page 8)

Human Rights in South Africa
Mr. Percy Qoboza will speak from 10 a.m. until 11 a.m. in Hall 6 on Friday, February 13, 1981, on human rights in South Africa. Mr. Qoboza is regarded as one of S. Africas foremost black journalists. He resigned only last month from his position as editor of the Sunday Post and Post S. Africa's premier black daily newspaper. Mr. Qoboza's resignation was prompted by recent pressure on him by the government. An editor-in-residence on The Washington Star of last September, Mr. Qoboza will now join the paper's regular staff as its Third World and U.N. affairs editor.

Correction
In last week's issue, the article "The Legal System" was written by a graduate student, Bonnie Pinelli.

Law Weekly Trivia Test

By R. FREEDMAN

Welcome back to another week of media madness and unnecessary procrastination. Since last week's evidence indicated the media madness of this week, it is necessary to stay away from the many inquiries through the law school. First, the rules: each week's test is printed in the same edition as the test. Last week was an exception. Now, the rules. Please don't disguise your name on the test. No corrections will be made except for the obvious. For further reference, "See Hana Barbara para la Tasmanian Devil."

This week, you will once again be confronted with irrelevant questions from the law school. If you find the questions difficult, easy? If you find the column boring, who cares? Good luck.

1) What other cartoon characters played with George of the Jungle on the George of the Jungle Show?
2) What other two cartoon characters played with Roundhouse on the Rocky and Bullwinkle Show?
3) What was Rocky's middle initial, and what did it stand for?
4) What was the name of the little girl on the Maggie and the Ferret show and why was she the called Maggie?
5) Complete these lines: "Drizle Drizzle Drizzle Dome.., u201d "Harry Bah Bah," "Wally Gator, he's the Tom Terrific and The...
6) In the Roadrunner Show from which company did the coyote purchase all his supplies?
7) Who was Tootie's sidekick?
8) Who was the name of the little girl on the Maggie and the Ferret show and why was she the called Maggie?
Res Pendens

Calendar for February

Sunday 8  Monday 9  Tuesday 10  Wednesday 11  Thursday 12  Friday 13  Saturday 14
Meeting of the Student Placement Committee, 8:30 P.M. in Placehu Office

Meeting of SBA Placement Committee, 8:30 P.M. in Placehu Office
SBA review course representative to answer questions regarding Macroeconomics, 8:00 P.M.

Public Interest Legal Career Symposium, Y.U. Law School
W.R.C. sponsors a panel discussion, 7:30 P.M.

South African journalist speaks on human rights in South Africa, 7:00 P.M.

For the dean
Tam and Gown Orders
The sale of the Student Placement Committee will be held at the first floor Kiosk on Tuesday, March 3, from 11:00 A.M. to 2:00 P.M., and Wednesday, March 4, from 5:00 P.M. to 8:00 P.M., taking measurements and orders. Rental rates are: Tam, Gown, Tuatel and Cap are $18.10. A refund of $17.10 will be made on any order canceled before May 1, 1981.

From the registrar
Spring Course Confirmation
Confirmation of Spring 1981 registration has been mailed to all the Class of 1981. If you have not received it, please review this material carefully and report any discrepancies to the Office of the Registrar by February 9, 1981. You will receive credit for only those classes and sections in which you are properly registered.

Privacy Act
Under the provisions of the Privacy Act, the Law Center may release certain information as "Designated Information" (see Administrative and Academic Regulations, August 1980). However, this Act provides that students may elect to have this "Designated Information" withheld by filing the appropriate form at the Office of the Registrar. Notice of this option to have "Designated Information" withheld has been given to students since the beginning of the year but if you wish to submit your request you must notify the Office of the Registrar by March 2, 1981.

I.D. Cards
Current I.D. cards may be updated for the spring semester at the Registrar's counter every day after 2:30 p.m. You may leave your card and pick it up after our terminals are operating. New I.D. cards will be issued on Wednesday, March 11 from 1-5:00 p.m. There is a $5 replacement fee for lost cards.

Fall Grades
Transcripts reflecting Fall 1980 grades have been mailed to all students. Forms are available at the Office of the Registrar to report any discrepancies which appear.

Academic Regulations
The GULC Student Code of Professional Responsibility is detailed in the Administrative and Academic Regulations, August 1980. However, this Act provides that students may elect to have this "Designated Information" withheld by filing the appropriate form at the Office of the Registrar. Notice of this option to have "Designated Information" withheld has been given to students since the beginning of the year but if you wish to submit your request you must notify the Office of the Registrar by March 2, 1981.

Legal Career Options
A panel of Georgetown alumni will discuss legal career options in management consulting, legal journalism, personnel management, and judicial administration. The Panellists will focus on career opportunities for law graduates and students seeking alternative paths for the J.D. degree. Each of the panelists has a number of legally-related positions and will share their experience. Refreshments will follow the panel on Wednesday, Feb. 18, 4-5 p.m., Hall 6.

New York Public Interest Career Symposium
Georgetown students are invited to attend the New York Public Interest Career Symposium on NYU Law School on Thursday and Friday, Feb. 12-13, from 9:30-5:00 in the Greensheng Lounge of Vanderbuilt Hall, 40 Washington Square South. For additional information, call the Symposium Hotline at (212) 598-7756.

On-Campus Interviews
Classes of '81, '82, '83 & '84: Law Schools, please check the Placement Bulletin Board regularly for notices of interview opportunities. Some employers have canceled due to lack of student interest.

Judicial Clerkship Meetings
Students interested in judicial clerkships should attend one of the following informational meetings with Prof. Krantzenkoff and Abe Thoreau, Placement Director: Wednesday, Mar. 4, 3:30 or Thursday, Mar. 5, 8:00 p.m. in Hall 1.

From the library
Shelve It
Have you seen someone leave their books unshelved? Next time, tell them "SHELVING IT!" Help develop a Carrying Community in Your library.

From the Health Service
Blue Cross/ Blue Shield
If you enrolled in the Georgetown University Blue Cross/Blue Shield Health Insurance Plan LAST FALL and did not yet receive your membership card, please contact the Student Health Office. For those students not currently enrolled, this letter is being sent to you, the final date for the Health Insurance Enrollment Form to be submitted is February 15. Please note that this is a Sunday, so the actual deadline will be Friday, March 13.

All new enrollees, please be aware that it takes about two months to process the enrollment paperwork. Please submit any claims and expect your membership card before March 30. Again, once you receive the enrollment form, you are covered and the coverage is retroactive to Jan. 15. If you have any questions, contact the LC Student Health Office (Rm. 18-21D) or Gwoi Wilson, Insurance Coordinator (625-4608 Mon. - Fri. 9:00 - 3:00 PM).

From the SBA
SBA Placement Committee
There will be an important meeting of the SBA Placement Committee on Tuesday, February 10, 1981, at 8:30 P.M. in the Placement Office. Members unable to attend should contact the Chairperson.

Student Tenure Advisory Committee
There will be a meeting of the Student Tenure Advisory Committee on Monday, Feb. 9, at 8:00 p.m., in room 19-42. All members are requested to attend.

(Continued on Page 7)

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Address correction requested.

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