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University of Michigan Law School

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Travels With Andy or...

Having spoken to the Law Wives last November on the trials and tribulations of the "professional('s) wife", Dr. Watson was invited by the Women Law Students to give some pointers to their husbands, and to discuss the problems of the two-career family. Over 100 people came to the Lawyers' Club Lounge last Tuesday to hear him; and although many of the husbands were disappointed by the lack of practical advice on how to deal with the demands of their wives' careers (paternalistic platitudes being apparently out of place), Dr. Watson did try to deal with the problems likely to arise in two-career marriages.

He saw the loss of the home as a refuge (when both husband and wife have a bad day at the office), as leading to inevitable strains and competition for caring within the marriage.

His main concern, however, was for the effect of such a life style on children. The blurring of the sex-role division of labor within the family could lead to role confusion, leaving children to grow up without any definite sense of maleness and femaleness. To many in the audience he seemed to overlook the possibility of humaneness as a positive role identification for a child. More importantly, he ignored the fact that at least half the population -- the female half -- is currently trying to cope with the intense role confusion caused by the traditional socialization processes -- which left their mothers feeling angry, embittered and useless in the kitchen, and which promised them more of the same.

There are certainly dangers and uncertainties inherent in trying to make marriage and child-rearing more egalitarian undertakings, and...
LETTERS

First year students in Section 2 are meeting for their Contracts course once a week, for two and one-half hours, each Saturday morning. This arrangement was necessitated by commitments, which conflicted with normal class hours, made by the teacher, Professor Jackson. The students, administration and teacher, all devoted considerable time and energy to arriving at a mutually satisfactory alternative meeting arrangement. It is the sentiment of some students in the Section, as expressed in the following letter, that the final resolution was not based upon results of their negotiations.

1/16/73

Dear R.G.:

As a result of the handling of the matter between Prof. John Jackson and the students of Section 2 (a matter concerning which other law students, in the spirit of an informed student body, might desire to inform themselves), I am only able to conclude that the assumption is no longer compelled that the Law School Administration necessarily deals with its students in the spirit of good faith.

/s/ Jim Jenkins L'75

Dear Res Gestae:

L.E.M

Lottery One accepted inversion of a truism validated since the Dark Ages, that mankind is perpetually hoping to find something for nothing. Sociologists maintain the lotto-phrenia disorder, marked by addiction to bingo, politics, and other forms of legalized gambling, is in actuality an attempt to compensate the "something for nothing" illogic by giving up something for nothing in return. More learned researchers have noted that even sociologists have been observed playing the great death lottery on our society's traffic arteries, and suggest on that basis the rationale of the sociological explanation may be suspect.

Election The grandest lottery of all; peculiar to the backward areas of civilization where a quasi-religious faith in the intelligence of the common man has not yet yielded to clear scientific evidence that all men are not created equal. Strangely, this rite is most faithfully observed in nations where the scientific ethos is most advanced, a phenomenon which sages wiser than I attribute to the peculiar form of necromancy practiced by political "scientists."

Marriage The most dangerous election; by which one person, usually a male controlled by an adroit female puppeteer, chooses to render himself vulnerable to cuckoldry, alimony, and the mindless chatter of small children. Despite clear statistical evidence that the arrangement has poorer chances of success than a supersonic airliner fabricated of Meccano components, millions of persons form such contracts, later pleading a form of temporary mental incompetence in order to dissolve the union. However, recidivism is high, despite the well-established correlation between repeated marital alliances and an inability to say anything slightly complimentary about the institution.

We're working on a definition of women's liberation, gentle reader, but the subject brings a hushed silence to its most ardent advocates when logic is injected into the discussion, and the prospects for a definitive treatise on the phenomenon appear dim at this point.

R. B. P.

To our jaded, technocratic understanding, L.E.M. always meant Lunar Entry Module. We are grateful to R.B.P. for his novel elucidation of this acronym. Now if he would be so kind as to identify himself, we'd be happy to hook him up with a nice girl.

-- Eds.
Before the Christmas vacation Res Gestae published the first in a two part series on the history of the National Lawyers Guild. The first installment traced the Guild from its beginnings as a response to the ABA's "table-thumping anti-FDR hysteria" in 1937 through vigorous civil rights activities during World War II. That period ended with an omen of the Guild's future. On March 29, 1944 HUAC listed the National Lawyers Guild as a Communist front organization. Both the first and second articles are based on a piece written by Doron Weinberg and Marty Fassler published in *The Conspiracy* December 1971 and January 1972.

In 1945 the National Lawyers Guild was at its peak of influence and respectability. It was one of forty official groups invited as part of the U.N. delegation in San Francisco. Guild lawyers were welcomed as official observers at the Nuremberg trials. Edmund C. "Pat" Brown, Jake Ehrlich, and Thurgood Marshall counted themselves as among its membership.

But within one short year the mood of the country changed. The United States disassociated itself from the USSR and began to scrutinize its own bureaucracy for evidence of possible subversion. The Guild found itself eliminated from labor unions such as the UAW and the CIO where its members had previously held positions of General Counsel. For its part, the Guild continued to condemn fascism in Spain, and Argentina, called for a withdrawal of troops from China, supported rent control, increased low cost housing, and social security. The Guild vigorously resisted loyalty programs, the listing of Communist Party members, and filed a multitude of briefs in Smith Act and HUAC cases. Thomas Emerson of Yale, later to be President of the Guild, testified before the Senate Judiciary Committee against the Mundt-Nixon Bill. National Guild lawyers were also deeply involved in representation of aliens facing deportation or denial of citizenship, and southern civil rights cases. By 1949 Nixon, a member of HUAC, demanded investigation of the Guild, and on September 17, 1950 the Committee published a report: "The National Lawyers Guild: Legal Bulwark of the Communist Party". Earlier attacks on the Guild in the late thirties and during the war years never gained too much strength so long as liberalism was fashionable and the Guild was a principle bastion of liberalism. But during the cold war, liberalism itself became suspect, and liberals outdid each other in proclaiming fierce anti-communism. The Guild was suddenly vulnerable."


Bar Committees and legislatures of various states, among them New Jersey, California, and Florida, moved to disbar attorneys for representing Communist Party members. U.S. Attorney Tom Clark called for retaliatory punitive action against such lawyers. The Guild suffered much in those years. Its mid-war membership of 4000 dropped to 2000 in 1953, and by 1959 was to number a mere 620. The suffering also took the form of dissipated energies; much of the decade of the fifties was spent in battle resisting listing as a subversive organization and fighting disbarment attempts. By the late 1950's only four functioning chapters remained: New York, Detroit, Los Angeles, and San Francisco.

With the 1960 convention came a time of self-examination for the Guild. Some of the membership wanted to continue in the role of political leadership with concentration on civil rights and international questions. What energy had not gone to self-preservation in the fifties had been committed to active litigation and amicus briefs in Southern civil rights cases. Other Guild lawyers saw a need for a reformulated program designed to win back liberal membership: this faction proposed a new emphasis on criminal law reform, labor
NOTICES

LEGAL AID VOLUNTEERS

The Washtenaw County Legal Aid Society provides legal assistance to residents of the county who are unable to afford to hire a lawyer. A wide variety of cases are handled including landlord-tenant and other housing matters, consumer and welfare problems, domestic relations cases and many other issues.

The Legal Aid Society is seeking a limited number of second and third year students who are interested in assisting the poor and gaining legal experience at the same time, to serve as student attorney volunteers. The students will engage in a wide variety of legal activities including interviewing, preparation of pleadings, factual and legal research, negotiation and court appearances, all under the supervision of a staff attorney.

In order to ensure vigorous representation of our clients as well as to cut down on attorney supervision time and general confusion, we are requesting that students be prepared to commit themselves to at least eight hours a week. Some of our clients have been hassled as much by our shifting cast of students as they by the welfare department or credit bureau and we would like to cut down on this.

Interested persons may contact Kathy Gerstenberger at 761-7826, Mike Bixby at 665-6181 (during working hours) or sign the sign-up sheet on the door of Room 217. Thank you.

Mike Bixby
Director, Washtenaw County Legal Aid Society

LUNCH WITH VIRGINIA NORDBY SCHEDULED

Wednesday, January 24, from 11:30 to 1:30 in the Faculty Dining Room of the Lawyers Club law students will have an opportunity to meet and with Virginia Nordby, who is teaching Women and the Law this semester.

Plans for this semester's activities regarding Michigan statutes, admissions, hiring of women instructors, jobs in the area this summer, complaints to be filed against the University, and the EEOC clinical program in discrimination law will be discussed.

Residents of the club should bring their tray lunches into the dining room after going through the line. If you are not a resident of the club, you can purchase a lunch ticket or bring your own lunch to the faculty dining room. All members of the law school community are welcome.

THE INTERNATIONAL LAW SOCIETY PRESENTS
AMBASSADOR CHARLES T. CROSS discussing
RECENT ECONOMIC AND POLITICAL DEVELOPMENTS IN S.E. ASIA'S DEVELOPING COUNTRIES
MONDAY, JANUARY 12, 6:45 P.M.
LAWYERS CLUB MAIN LOUNGE

NOTICE! NOTICE! NOTICE!

UNGRADED OPTION DEADLINE IS FEB. 2

Beware the unadvertised deadline for declaring that you want to take courses pass-fail this term.

Special forms available from Marilynn Williams on the Third Floor are necessary in order for Dean Kuklin to deem your Written Notice Of Intent to Utilize Pass/Fail Option sufficient and timely. Act now!
of these Dr. Watson seemed very aware; but he had a hard time grasping his audience's perception of the even greater social and psychic costs of the traditional nuclear family.

You've come a long way, baby -- but you're not there yet.

-- M. Lee

INTERESTED IN WRITING LEGISLATION?

The Legislative Aid Bureau (LAB) lives and will hold an organizational MEETING on Tuesday, Jan. 23 at 7:30 p.m. in 110 Legal Research (Library basement). If you are interested but can't attend, call Jon Arnason at 763-2176, 9 to 5 or at 971-6608 in the evenings.

SOLUTION TO LAST WEEK'S PUZZLE

At this time Detroit was the most vigorous chapter. Detroit attorneys formed the Committee to Aid Southern Lawyers (CALS) co-chaired by George Crockett and Ernie Goodman. In 1964 the national office was moved to Detroit and Ernie Goodman was elected president. Efforts focused on research and support for the civil rights struggle. By the early 1960's the radical movement had begun to revive. But even so the "Communist-subversive" label stuck to the Guild and frightened away many, especially students, as denial of admission to the bar in retaliation for Guild activities was still a very real fear. Slowly the Guild began making contact again on campuses; organizing student chapters, and becoming heavily involved in draft counseling. The National Lawyers Guild has become active in movement cases, such as the legal defense of the Chicago Democratic Convention trials. In 1968 a new constitution was adopted which defined the Guild as "the legal arm of a movement for radical social change." This is the present stance of the Guild; basically a legal organization to lend support to radical programs it has always advocated, but now also expanding to the role of direct participation in the struggle for radical social change.
AMENDMENT TO ACADEMIC REGULATIONS

On Friday, December 8, 1972, the faculty approved the regulation below. Since classification for the Winter Term has been completed, any professor desiring the pass-fail option to be elected before the end of the fourth week of classes will post such notice on the bulletin board during the first week of classes.

Ungraded courses and Ungraded Credit in Graded Courses.

1. If a course is ungraded, or if a student elects to take it on that basis under paragraph 2, below, satisfactory performance shall receive a final grade of "P", which shall not affect the student's grade average; unsatisfactory performance shall be graded "D" or "E", with the same consequences as in other cases provided.

2. (a) Any elective course or seminar may be taken on an ungraded basis at the option of the individual student, provided that no more than 2 courses or seminars may be so elected in the semester, nor more than 1 in the Summer Session, at the end of which the student would be graduated in normal course.

(b) Not more than 15 hours of credit carrying the grade "P" by reason of the student's exercise of the option provided in paragraph 2(a) may be offered to satisfy the requirements for the J.D. degree.

(c) To be awarded a J.D. degree with honors, or to be considered for election to the Order of the Coif, a student may not offer, to satisfy the requirements for the J.D. degree, a total of more than 20 hours of credit carrying a grade of "P". "P" grades from ungraded courses and from courses taken elsewhere in the University for Law School credit are included within this limitation; "P" grades associated with advanced standing awarded for courses taken at other law schools are not included within this limitation.

3. The election to take a graded course on an ungraded basis shall be made by filing with the registrar a notice in writing, on the form provided for that purpose, not later than Friday of the fourth full week of classes in a Fall or Winter Term, or at a similar appropriate time to be established by the administration in the Summer Session; provided that the professor may require notice to be given at an earlier date by so indicating during classification. In addition to filing said notice, the student shall write the word "ungraded" at the top of the front cover of his final examination paper.

MISS PEACH by Mel Lazarus

-BUT YOU GET NO MORE GRADING IN THIS SCHOOL THAN IN ANY OTHER!

BALONEY! WE WANT NO MORE GRADES AT ALL!!

AND KNOCK OFF THE BORING CLASSES WHILE YOU'RE AT IT!!

SHAPE UP, ST. ANTOINE!!

I'M YOUR FRIENDLY NEIGHBORHOOD DEAN--STILL LOOKING FOR A FRIENDLY NEIGHBORHOOD.

page six
REPORT ON GRADES

As student members of the Academic Standards and Incentives Committee which has been involved in the efforts for reform of the grading system, we feel that it is important that the students know something of the history and rationale behind the new regulations that have been put into effect this semester. They are the first concrete response to what has been a very hot controversy in recent years, and the students should know how and why these particular regulations emerged. Hopefully, this will both facilitate their implementation and provide the students with a better background upon which to judge the new system.

Two rather complex proposals will be discussed in this article. These proposals, as they were presented to the faculty, are on reserve in the library and you are urged to read them in their entirety, if possible. Despite its length, this report does not pretend to be comprehensive, since many pages of reports and many hours of discussion were involved.

I. THE STUDENT SURVEY

The initial basis for discussion was a survey taken by the Academic Standards and Incentives Committee (composed of 4 faculty and 3 student members) in March of 1972. The survey was by questionnaire, submitted to students in one first year section, one section of Tax I, one section of Criminal Procedure, and the seminar in Economics of Public Policy Decisions during a regular class period.

On the basis of the survey results, and extensive discussion by the committee, a report was initially submitted to the faculty in April of 1972, presenting the survey results and the committee's recommendations for changes to the grading system. The following is taken directly from that report:

The survey proposed six different grading system models, and sought to discover (1) the amount and intensity of support and opposition that each would engender by itself; (2) the amount of support each would have relative to the others; and (3) the extent to which support or opposition could be related to particular features of the system (e.g., whether grades are stated in words, letters, or numbers, the number of categories used, whether curved or not, etc.).

The six models were:
A. The "current system"; letter grades, 9 ranks, with 50% to 60% of grades at the B level or higher.
B. The "grad school system"; letter grades, with 80% of the grades expected to be B or better (B+, A-, A, A+).
C. An "uncurved system"; a letter grade system which leaves to the individual professor the decision as to grade distribution.

D. A "uniform pass-fail system"; pass-fail, without option to the student, the expectation being that 90-95% of the grades would be "pass."

E. An "optional pass-fail system"; student has a choice between pass-fail and a more explicit grade system.

F. A "wild card system"; the current grade system with the student having an option to take a limited number of courses pass-fail.

A total of 296 responses were received, and this was believed to be a valid sample of the entire student body. The responses were fed into a computer, as the report stated, "programmed to produce various bivariate relationships and correlations from which much additional information could be mined." There was a high degree of internal consistency in the responses, i.e., answers given to one question were consistent with answers given to others, leading to the conclusion that the respondents understood the questions, and the relationships between them. There was no significant relationship between the responses and most external factors such as academic standing, sex, or law school class. There was a statistically significant relationship, though relatively small, between the respondents' race and their favoring a mandatory pass-fail system.

Without going into all of the detailed data that emerged, suffice it to say that in amount of support the "wild card" and "uniform pass-fail" systems were first and second respectively, while in terms of intensity of opposition, the "wild card" system was the least strongly disfavored and the "current system" was the most strongly disfavored. Another significant result was that 22% favored a system with a high degree of discrimination (9 ranks or more), while 63% favored a system with no more than 3 ranks. About 12% fall in between, in the position "Discrimination, yes, but fine discrimination, no."

II. THE COMMITTEE PROPOSAL

The committee's proposals for change did not fit any of the survey models exactly. They evolved both from the survey results and from committee discussions attempting to eliminate the principal sources of student dissatisfaction and to satisfy other competing interests as well. One thing must be kept in mind throughout this discussion. For every change in the system that is considered, a myriad of possible effects in related areas must also be considered—such things as classroom performance, administrative burdens, impact on placement efforts, membership on journals, eligibility for honors, etc. In addition, the impact in these same areas of the interaction of these effects with the possible effects of other changes in the system must be considered. The committee report attempted to anticipate and discuss all of this as fully as possible. That discussion will not be repeated here, but in broad outline the committee proposals were as follows:

page two
1. First-year students would be examined and given detailed evaluations (method of which would be up to the individual professor), but all that would appear on the official transcript at the end of first year is whether or not the course had been satisfactorily completed. Law school involves a different method of instruction, method of study, and subject matter than most students have experienced before entering. Since some students are not able to make the necessary adjustments as quickly as others, the committee proposal attempted to create a sufficient period of adjustment—a "shake-down cruise"—for all students before they are expected to build a permanent academic record. It also hoped to encourage comeback attempts in the 2nd and 3rd years by those whose first year was disappointing, thereby overcoming the disincentive effect on such students under the "current system".

2. Beyond the first year, no pass-fail feature was recommended. Instead, a less minutely discriminating grade structure was proposed; which abandoned the use of letter grades and grade point averages. The chart below presents the proposed verbal labels, the letter grades to which they roughly correspond, a table of grade distribution of 2nd and 3rd year grades in 1970-71, and the comparable distribution as was recommended for the proposed system.

<table>
<thead>
<tr>
<th>Distinguished Performance</th>
<th>1970-71</th>
<th>Recommended</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A+)</td>
<td>2.3%</td>
<td>3% to 5%</td>
</tr>
<tr>
<td>(A &amp; B+)</td>
<td>35.1%</td>
<td>30% to 35%</td>
</tr>
<tr>
<td>(B &amp; C+)</td>
<td>47.7%</td>
<td>45% to 50%</td>
</tr>
<tr>
<td>(C)</td>
<td>12.6%</td>
<td>10%</td>
</tr>
<tr>
<td>(D+ &amp; D)</td>
<td>2.4%</td>
<td>2% to 3%</td>
</tr>
<tr>
<td>(E)</td>
<td>.1%</td>
<td></td>
</tr>
</tbody>
</table>

This grading scale is roughly similar to those used at Yale, Columbia, Pennsylvania, and Virginia. The committee report explained the intended benefit of such a scale:

The plan has a virtue in addition to those discussed above in that the record, while complete and accurate, will be as non-pejorative as possible. The affirmative statements made about a student who has done satisfactory work are statements in praise of good work. Though the praise becomes fainter by degrees, the record will not use symbols such as "6" and "C+" which actually communicate a sense of dissatisfaction with work which the school formally regards as fully qualified, and when the student's work has not been wholly satisfactory, though the record is honest, recording his failures as well as his successes, the "D" and "E" symbols of failure are no longer used.

The report suggested that the question of a student pass-fail option be deferred until some experience was gained with the system as proposed. It said that the experience of other schools indicates that students who prefer pass-fail feel themselves coerced to choose grades because they find out that the employers insist upon it.
III. THE ALTERNATIVE PROPOSAL

Although the committee proposal was initially presented last April, there was no opportunity for thorough discussion in full faculty meetings until this Fall. The student members of the committee were invited to be present and participate in the discussion during these faculty meetings. After the first discussion by the full faculty last September, some faculty members felt that there were strong enough objections on the part of enough professors to the fundamental features of the committee grading plan that an alternative should be introduced. Five professors, whose opinions represented a wide spectrum of views on grade reform, attempted to put together a proposal that they felt they could agree on among themselves, and that they hoped would better accomplish the main objectives sought by the committee.

The alternative proposal was relatively simple: the retention of a multi-tier grade scale with a minimum of five "satisfactory" --i.e. "C" or better--tiers, but with the option available to all students in all three years to take an unlimited number of courses pass-fail. One possible proviso was that for courses beyond the first year a professor who felt that his course would suffer substantially if taken pass-fail could deny the option to his students. The alternative report presented possible shortcomings of the committee report, from which the following is an excerpt:

We believe that just as the student who wishes to treat law school as an intrinsically worthwhile learning experience should be permitted to do so without being forced to adopt a competitive orientation, so should the student who conceives of law school as a stepping-stone to a desirable employment opportunity be given the chance to distinguish himself competitively. In our judgment, the committee's proposal answers the need of neither student; it ultimately forces all students into a competitive mold but it postpones and obfuscates the competition in a way that may well hurt our students in the job market.

The alternative proposal suggested two principal grievances as the chief sources of dissatisfaction with the present system. First, many students feel that a compulsory multi-tier scale and the computation of grade point averages differentiates "(in the eyes of employers and, perhaps more important, classmates) students whose performances have been identical in any meaningful sense." It was felt that the course-by-course option plan would ameliorate this "false precision" problem by what was called the "Roger Maris Principle": How does one compare a 3.1 with 50% grades with a 2.9 with 80% grades? Hopefully, employers and classmates would have to look more to outstanding performance in individual courses in determining job offers and status.

The second suggested source of dissatisfaction was that all students are forced into a highly competitive model of legal education "when not all students have educational needs, personal temperaments, and career ambitions that are suited to such an orientation." The course-by-course option, it was felt, could ease this pressure, as well as offer the opportunity of delving very deeply into one or two courses a semester (presumably for a grade) while taking
other courses for their basic informational value on a pass-fail basis. This would hopefully serve to expand the educational alternatives available to an increasingly diversified student body, and encourage students to elect their courses and teachers exclusively on the basis of educational need rather than on the basis of how hard the subject matter or how demanding the grade practices of particular teachers are rumored to be.

Finally, like the committee report, the alternative proposal highlighted the situation in the first year as a defect of the present system. It termed the first year presently "the be-all and the end-all," and said that examples of substantial comebacks in the 2nd and 3rd years are "isolated" because of the heavy drag on the student's GPA of a bad first year. The option system, it was hoped, would lessen the present emphasis on a few performance periods by allowing the student to elect courses so that his period of maximum pressure would come, if he so chose, after he has taken some exams for keeps.

If, for example, several courses were elected pass-fail in the first year, and the student is disappointed in his grades, he could take all his courses on a graded basis during the second year and have a better chance than at present to raise his GPA. This incentive for comeback attempts would likely produce a high level of student effort in the 2nd and 3rd year courses. Finally, since different students would have their periods of maximum pressure at different stages of their law school careers, "the pressure that is traceable to ego games rather than educational incentives and job opportunities will be greatly reduced..."

IV. THE RESULT

A full exposition of the relative merits of these two proposals as presented in the reports themselves and in the subsequent discussions is beyond the scope of this article, and perhaps better left to the individual reader's judgment in any event. Hopefully this article will give the reader some idea of the effort expended, the drift of the discussion, and in section III above, some idea of the rationale behind the ungraded option that was eventually adopted.

After extensive discussions of the two proposals and variations thereon, by vote of the faculty in late October the committee was instructed to return to the faculty a proposal which would retain the present grading system, with an option to the student to take one or more 2nd and 3rd year courses on a pass-fail basis. The committee was instructed to propose a maximum number of credit hours, not less than 9 nor more than 15, for courses elected on this basis. It was also decided that the teacher would not have a veto, and that he should be informed which of the papers he is grading have been written on the pass-fail basis. The committee's last proposal "fleshed out" the framework provided by these instructions and collateral issues which they involved. The faculty voted on this proposal, and with certain minor changes, the new system was adopted, a copy of which follows this article.

We would now like to offer some explanations of certain features of the new regulations. First, it has been common in pass-fail systems that a P be the equivalent of a C or better in a graded
system, and that anything below that be given an F. Under the new regulations, the D grade is retained so that unsatisfactory performance would not necessarily mean a flat flunk. Thus, our system is more properly termed "ungraded" than "pass-fail."

It was decided that the option should be available for seminars as well as regular courses. Contrary to the current misunderstanding on the part of some students, there is no limit on the number of courses that can be taken ungraded by the student option in one semester, within the limits of the 15 hours of option available. The limitation (in paragraph 2a of the regulations) of two courses or one course in a summer session applies only to the last semester before graduation. In other words, if you want to shoot the wad in one semester, that is you privilege as long as you are not graduating at the end of that semester. The reason for this is to protect against what some feared might be a senior frolic. Due to the sequence of course offerings, it often happens that certain courses are heavily populated with "second-semester seniors." If they all took the course on an ungraded basis, some professors were concerned about the effect on classroom performance.

The full 15 hours of option are available over and above any other courses that have already been offered on a P-graded basis before the new system was instituted. Thus, a student could conceivably graduate with considerably more than 15 hours graded P. This is so that no one will be denied the opportunities offered by the Clinical Law course, the Off-campused Semester program, etc. because of being forced to choose between such programs and the use of his option hours.

Students who wish to remain eligible for graduation with honors or for election to the Order of the Coif will, however, have to make some choices. Such a student still has the full 15 hours of option available, but the total of P credits on his record, both by his option and by taking courses that are offered on an ungraded basis, cannot exceed 20. That limit was arrived at for several reasons. First, even before the new option system became available, students who had taken all of the courses then offered ungraded (amounting to a possible total of 20 hours) could graduate with honors. Second, that figure would allow such a student to remain eligible and yet still participate in the full range of special courses and programs that are offered ungraded. Finally, it seemed fair that a uniform limit be imposed on all those who are competing for special distinction, so that each will be competing against others who took roughly the same number of courses on a fully-graded basis.

The administration must be notified of a student's intention to take a course on an ungraded basis by the end of the fourth full week of classes in the Fall and Winter terms, and by a similarly appropriate time in the Summer term. This should give the student sufficient time to "get the feel" of his courses, and still save the administration from an unmanageable rush at the end of the term. To accommodate professors who might give tests or other assignments that will be graded before that time, such a professor may give notice during classification that the student's election must be made at an earlier time.
Finally, "ungraded" must be written at the top of the front cover of the final exam of a student who has made such an election. The reason for this is not so sinister as some have suspected. The process of grading law school exams on a multi-tiered basis is both exacting and time-consuming. Many faculty members were quite frank in saying that they were not willing to put themselves through that grind with a stack of exams which they would afterward discover called for only a P, D, or E. Especially in a class where many students have exercised the ungraded option, this would amount to a sizeable waste of time. The decision whether an exam is satisfactory or not can be made much more quickly than the decision as to which of a number of more precise grades should be given.

V. CONCLUSIONS

No attempt has been made here to tell why or how the faculty decided among the various possibilities presented to them. As student members of the committee, we participated fully and voted as equals in committee meetings. The situation was different with respect to meetings of the full faculty. While we were invited to attend faculty meetings and given an opportunity to present our views, we were not present for the entire discussion, nor when votes were taken. In short, we know very little about the reasons for the faculty's ultimate decisions.

It should be pointed out, however, that consideration of all the possible effects of numerous proposed changes in the grading system creates an almost mind-boggling assortment of arguments and counter-arguments, making it very difficult to garner widely-based support for any one set of proposals. The experience of other law schools in grade reform efforts suggests that no grading system will ever gain the approval of the entire student body. We are sure that at least this much can be said about our faculty as well.

Quite frankly, all three students and three of the four faculty members on the Academic Standards Committee would have preferred the adoption of the original committee proposal. We felt that in order to benefit the greatest number of students, grade reform should include a restructuring of the grading scale itself. For one thing, it was feared that an ungraded option alone would most benefit those students having the highest grades. In other words, an A student might be able to reallocate his time among his courses and be more confident of getting at least a P in all of them than would a B student who would have a smaller margin of safety. However, the regulations that did result follow the pattern of the "wild card" system that registered the broadest support in the student survey. Thus, the regulations may also attract the same kind of broad support in actual operation.

Nevertheless, we as student members of the committee suspect that some further refinements of the system will be necessary. For example, anxiety has already been expressed about the effect that the election by some students in a particular class to take the course ungraded will have on the curve by which the others will be graded. If it would mean a tougher curve, some students may feel coerced into taking the course ungraded. This, of course, would be undesirable. We are aware of no consensus among professors on this question, and some clarification seems to be in order.
In addition, we feel that some problems simply are not dealt with by the new regulations. One of these has been called the "C+ problem." Many students feel that the difference between a C+ and a B on their transcript is not so significant as a measure of ability as to justify the devastating effect that that difference has in the eyes of many employers. To paraphrase Robert Frost, "Something there is that doesn't like a C..." The resolution of this problem would involve reform of the grading scale itself, and was one reason why we favored the original committee proposal, as noted above.

The other unresolved problem that we see is the entire question of the first year of law school. Both the original committee proposal and the alternative proposal recognized this as a major problem, and tried to deal with it, but the new regulations do not even touch it. One reason we heard is that some faculty members believe the first year is the fairest one in which to test the students relative to each other because everyone is taking the same courses. We find that premise questionable at best.

We do not make these comments in an effort to re-fuel a long-standing controversy when the first concrete steps to settle it have only just now been taken. But we do not think that it would be realistic for the faculty to assume that the whole situation could be resolved in one fell swoop. Nor do we feel that it would be realistic for the students to expect that a grading system will ever be devised that will satisfy everyone.

Finally, we think it useful to offer our judgment that if any one factor is to be given credit for what has so far been achieved, it is the force of student opinion. The intense desire for change on the part of a sizeable majority of the student body got the wheels turning, and kept them turning. But if a consensus for change is to be persuasive, it must have a worthy goal. Proper priorities would dictate that the goal in grade reform cannot be simply the soothing of bruised egos or an attempt to make law school easier, but rather a real desire to enhance the educational environment. If the grading system is in some way unjust or in some way counter-productive, that must be our focus. Our aim must not be to weaken the institution, but to better it.

Respectfully submitted,

Russ Bohn
Steve Kushner
Martin White

Student Members, Committee On
Academic Standards and Incentives