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Rethinking Grade Appeals

The Challenge

I was an analytical grader, pouring time and effort into detailed rubrics for my final exams so that students could see exactly where they were right and wrong. Yet, few ever came to me to talk about their exams, even with explicit encouragement from me. And, those who did were often the students who least needed to improve. Over time, I began to question whether it made sense for me to continue to put together these final exam rubrics. In fact, law school final exams are mostly summative and students know it. Few want to dwell on past efforts with no immediate reward and would prefer to move on.

The Approach

I instituted a process for midterm grade appeals coupled with a high success rate (what I term, “robust” grade appeals). I allowed students to respond to their midterm in an appeal no longer than a page. To allow effective appeals I returned to students along with the exam, a detailed exam key showing what students received credit for, and where they fell short. They would have one week from the date the exam and key were returned to them. The practice has a number of ancillary benefits, I believe, in addition to the central benefits – getting students to learn more about law, learn from their mistakes and write better exams by meaningfully engaging and critiquing their own work on exams.

How it Went

Students do not often comment on midterm exams in evaluations. The following comments, culled from evaluations in courses I have taught over the last three years, are the ones specifically directed at the midterms and their appellate challenge processes:

1. Administrative Law: Spring 2011

- Also I liked the appeals process for the midterm. We looked over our midterm and had to advocate for ourselves. These new techniques made admin a little more memorable.
- With regard to the midterm, a huge part of the midterm itself was the review process. It seemed as though Professor Corrada rushed through grading the midterms and cared more about students contesting their grades than actually doing well the first time around.

2. Administrative Law: Fall 2010

- Although he sometimes goes on about it, I did appreciate his transparency about his teaching style, grading, etc.
- I really enjoyed the midterm, when it was held, the partner scheme, and the timely return of the comments regarding results. I have begun to really appreciate midterms as my academic career in law school progresses.
- Midterm was good to gauge understanding, seemed fair.
- I always found law school grades to be pretty arbitrary, but I've found that Corrada's grading, more than any other professor, reflected the work I put into the class. . . . For students considering this course, Corrada does have a midterm, but it was structured in a way that made it pretty painless and actually very helpful for remembering the material.
- He really tries to be fair and is genuinely concerned about his students and allows input on grade allocation.
- He provides us with the skills we need not only to take his exam, but to analyze admin law questions that we will come across in our practice.

3. Administrative Law: Spring 2010

- We had a midterm toward the end of the semester which was a good way to get an outline done early and make sure you understood the course material as well as prepared for the structure of the final exam.
- The midterm was a good mechanism to start studying earlier and give you an idea of where you stand in the class.
- The clarity and thoroughness of the midterm feedback was appreciated and impressive.
- The tips he gives for his exams are particularly helpful (I think), and he is very forthcoming about what he is looking for and where students should focus their brainpower. The grading system seems very fair.
- To add to all of that, Prof. Corrada, throughout the semester, basically taught the class how to do well on his exam. There is absolutely no hiding of the ball as to the course material or to the test. He really, truly cares about his students.

4. Contracts: Fall 2009

- I really appreciate the midterm and the appeals process. This is very fair and all professors should at least be required to defend their own grading.

Advice for Others

The first concern about grade appeals is the issue of extra work. Certainly, there's less work without the appeals process. The extra work objection is fair but overblown. I already am giving a midterm. The extra effort required for an efficient (one page, one week) appeals process is relatively marginal, especially in light of the benefit to students. In a class of forty-five students, I now expect about thirty-two appeals. Since I have recently created the key for, and graded, the midterm exam, the arguments and answers are fresh in my mind. Consequently, I can get through these appeals in a morning or an afternoon. If I am particularly pressed in a given semester (extra committee work, etc.), I can have the students work in teams of two or three on the midterm, cutting the number of appeals in half (to 17) or down to one-third (10). The students still benefit, since all members of a team remain keenly interested in the grade.

The second concern raised by my colleagues, about professorial authority or unseemly exam grade flexibility, while perhaps logical in theory, has not been significant in practice, even though there is some evidence of it. And even if this complaint were more prevalent, these concerns do not bother me much, since they are raised by those who teach in a traditional, more conservative, hierarchy-based model. I have not seen much evidence either in class or on evaluations suggesting that credibility as a professor is undermined by this process. On the contrary, most students seem happy to get the extra feedback. I think students also understand at some level the inherent subjectivity of grading. In fact, most of them probably think that at some point in law school they might have received better grades if the professor had only understood their arguments. There are stories around every law school about how the quality of the professor's coffee or the time of day he or she grades exams can affect scores. In other words, students do not, by any stretch, already think that perfect grading exists. Some may believe that I grade hard initially to allow a high success rate on appeals. That is fine with me if it results in students taking the appeals process more seriously, even possibly thinking that an appeal is virtually required to keep up with the class mass as it floats upward after the appeals process. The other element that may squelch concern is that the midterm represents a relatively low percentage of the class grade (usually between 20 and 30 percent). The stakes are relatively low and the exam to be truly concerned about is the final. The greater formative development occurring in the midterm process should pay dividends on the final, which is summative. My goals for the midterm are formative. There is a lot to be learned from the exam itself. Indeed, it counts as a percentage of the grade only so students will take it seriously and study hard, making it a legitimate exercise in measuring their capability.



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