Make the Student the Professor

Katharine F. Nelson
Like many teachers, I often use old exam questions to help students review specific course material and prepare for final exams. Typically, the students prepare the answers for class discussion. A twist on this method of review is to make the students the law professor and have them critique and grade sample student answers to an exam question.

For this exercise I choose an issue that provides a good review of the subject area and involves the type of multi-step analysis that students often find difficult on exams. For example, in Civil Procedure, transfer of venue under 28 U.S.C. § 1404 works well. To determine whether an action should be transferred to a different venue, the students must analyze whether the new venue would be proper under 28 U.S.C. § 1391. They must also evaluate the convenience of the parties and witnesses and determine whether the transfer would serve the interests of justice.

At the end of the unit on venue, I give the class a fact-intensive essay question in which the students are asked whether the court should grant a motion to transfer venue. The students prepare the answer for the next class. I generally have them write out the answer or at least do a detailed outline. At the beginning of the next class, we walk through the possible answers and deal with any questions. Then I waive my "magic gavel" and declare that the students have all been promoted to the "exalted rank of law professor." (The students are always delighted to learn that they have survived Civil Procedure, graduated from law school at the top of their class, passed the bar exam, and had brilliant careers.)

Next, I give the students two sample student answers and two detailed grading sheets. The grading sheets have general point values for the major sections of the analysis. One of the sample answers is weak. The other is a good answer. Both contain the types of flaws often found in student exams. I generally start with actual student answers from a prior class and then doctor them as needed to illustrate both good legal analysis and the problems that I want the students to see.

Working in groups of three, the students analyze the sample answers, score them, and give them letter grades. I circulate through the class answering questions, often with "I don't know how many points to take off (or give). You are the professor; it's your call." I also commiserate with their frustration over poor organization, sweeping conclusions without proof, and gaps in factual analysis. Toward the end of class the students share their comments, scores, and grades with the rest of the class. I chart both their scores and grades on the board. The students are usually harder on the weak answer than I would be. I tell them that in the hope of alleviating some exam jitters.

This exercise generally provokes lively discussion within both the small groups and the larger class. It also provides a good review of the subject matter, a different approach to evaluating written analysis, and a break
from the normal routine. By becoming the professor, they gain some insight into the mysterious process of grading exams. More important, the ego threat of critiquing their own writing or having me critique it is removed. The students can be more objective in evaluating not only the substantive content of the sample answers but also the way in which that content is presented. They become more sensitive to the need for logical organization and good factual development in answering exam questions. This sensitivity, in turn, should help the students improve their own written analysis. It should also facilitate communication between the professor and the students on future writing assignments and in exam conferences. The class can use the good student answer, the detailed grading sheet, and their insights from grading the sample answers to assess their own answers to the question. Finally, the students enjoy being the professor for a change, which results in a fun class for them and me.