Reliability of Grades Questioned

by A First-Year Student

Our law school examination and grading procedures give rise to a cluster of problems. Inadequate feedback is one. Many first-year students feel like a blindfolded man who, having had one shot at the target, is told how far off the bull’s-eye he is but whether he shot to the left or right, high or low. Questionable validity is another. A test is valid if it measures what it purports to measure. But what are we trying to measure, achievement or aptitude? The LSAT is an aptitude test. One might assume that law school exams are achievement tests. Yet test scores are not infrequently defended on the basis of their ability to predict who will make a good lawyer. Poor reliability is a third problem.

A test is reliable if it measures accurately whatever it does measure. A test that is found to be unreliable cannot possibly be valid. What would be the result if we attempted to ascertain the reliability of our law school examinations? Chances are the reliability would prove to be rather poor. There is a good reason for it. The population being tested is too homogeneous, the range too small. In a typical American high school the range of talent is enormous, and a good test is almost certain to yield reliable results. As we move up through undergraduate schools and into professional schools, the range narrows drastically. Reliable distinctions among highly competent people are much more difficult to make.

One way to increase confidence in the sampling is, of course, to increase the number of samples. The reliability of class rankings increases as the faculty has the opportunity to make several evaluative efforts. But no one advocates waiting for three years to tell a student that he is not going to make it. This student should be identified as early in his law school career as possible, preferably no later than the end of his first year. But if the reliability of our evaluative instruments leaves so much to be desired, how is this to be done?

The answer lies, at least in part, in distinguishing between the two very disparate functions which these tests are intended to perform. They are expected to identify those who don’t have what it takes to make it. A mastery test, like the bar exam itself, is designed to divide the testees into two categories and two categories only. Yes or no! No percentage of yeses or noes is preordained. A test which is designed to rank the testees, on the other hand, not only lends itself to a curve, its purpose is to establish a curve. No matter what the quality or the degree of homogeneity among the testees, they are distributed. No one believes that sufficiently high admission standards will someday result in all students tying for first place.

The number of students who “flunk out” is apparently much smaller than rumor would have it. But this information is not reassuring to the unfortunate few who ultimately do fall into this category. Students who are not going to make it should not have to discover this by calculating some kind of grade-point average. They should be identified independently of any ranking system which is ill suited to that purpose. Furthermore, procedures could be established which would increase the reliability of student criticism. As noted above, reliability can be improved by increasing the number of samples taken. This could be done for probationary students in two ways. First, by making available to them, at their option, additional written and/or oral exams. Second, by permitting the probationary student to request that more than one member of the faculty evaluate his performance on a given test.

As confidence grows in the procedures by which students are assigned to the fail-pass categories, concern about the method used to rank those in the pass category will decrease. In the opinion of this writer, two classifications, pass and pass with honors, would do nicely. fierce competition is inevitable and desirable in a profession built on the adversary system. But extreme grade consciousness and excessive emphasis on class rank is only one kind of competition. Surely there is more than one way to determine who is leading in a race toward professional excellence.

Law School Unites Behind Lucy

by Dale Weyrich

Is half a loaf better than none? On Monday afternoon, Vice-President Harold Gram announced a “compromise” whereby Lucy Hubbard, the Law School housekeeper, would return to work four hours a day at the law school. This announcement was made at a meeting with the students and faculty of the law school.

The events leading up to this meeting started nearly two months ago when a petition was circulated among the law students complaining about the condition of the men’s restroom. In addition to the petitions, memorandum from Dean Bartelt and Professor Sawyer were sent to the university administration.

None of the criticism was directed at Mrs. Hubbard, who has been outstanding job.” No response to the petition or memorandums was received.

On January 12, the law school was informed that there was to be a reorganization of maintenance and that Mrs. Hubbard was being transferred to another building. Many student and faculty members approached Dean Bartelt concerning the transfer. All felt that Lucy had been doing an excellent job and that she was an important factor in the morale of the law school community.

Dean Bartelt contacted the Director of Physical Plant Services and Vice-President Gram concerning the matter. Gram agreed to meet with the students and faculty. With less than two hours notice, approximately one hundred people were at the meeting. The Vice-President indicated that the administration was primarily concerned with efficiency in maintenance. Students and faculty members indicated that the human element should be considered. After a long and frequently stormy discussion, Vice-President Gram agreed to “re-evaluate” the situation. Gram’s decision was announced to the law school community Monday afternoon. Further appeal is possible and students are giving consideration to this possibility.

Perhaps the student position can be well expressed by quoting from the forward to the faculty handbook: The distinctive quality of the University as a Christian community should be maintained in all areas of our common life. It is our hope that in this way we can move as far away as possible from the employer-employee relationship which so unhappily characterizes much of American higher education.
The Human v. The Efficient

by Charles E. Doyle

For many, Dr. Gram’s remark, “I have more important things to do than talk to a bunch of kids in the law school,” was the final point of the recent encounter between the university vice-president and about a hundred students concerning the transfer of janitors, Lucy Hubbard.

The dimensions of the situation are interesting. It calls to mind Martha’s being too busy to talk with Jesus because she had to get supper for him. It’s the mother with the skinny baby in her lap sitting on a bench in the outer office waiting to talk with someone about her welfare application. It’s the city planners who didn’t have time to talk with the people on the block before they sent in the bulldozers. It’s the young couple, yet this very day, sitting in a county jail in Georgia for over a year waiting for the judge to try them on their charge.

It really was a good learning experience. In a very simplified form, it was the classic Person v. Institution, Individual v. Society, The Human v. The Efficient. “Lucy isn’t a cow,” one of the signs read. “She’s not a piece of furniture you can move around with no regard for her feelings… or ours,” someone said.

The administrator was quoting hours and wages, overtime and number of urinals, memoranda and rules, dollars and cents. The students were quoting preambles and premises. “But this is a Christian university. People are important. Jesus wants men to be happy. How can you bring them to tears in the name of efficiency? Isn’t the ultimate in efficient institutions the People’s Republic of China where people needs always give way to state needs?” But we were talking in different tongues and we didn’t hear each other.

“I want you to know that we don’t treat the law school differently than other buildings.” But we are different! We are people oriented. We are people being big farms, big universities as swords of Damocles hanging over the heads of individuals and their rights.

Space Law

by Steve Fenton

With the advent of the exploration of space comes the necessity of developing a system, a body of rules that will govern man’s activities in outer space. For instance, since the possibility exists that man and other forms of life can abide, so as to ensure peaceful and harmonious existence of both in the universe.

Some who have considered the need for developing space law to deal with encounters with other life forms have proposed projecting our present international law to such situations. But a few examples will suffice to illustrate that man’s present anthropocentric legal system could not be inapplicable to other forms of life.

Another form of intelligent life might have only one sex, or it might have three, or more. If this were the case, our present legal code dealing with domestic relations, property rights of a wife, etc. would have little, if any, meaning to such a society.

Also consider the possibility that the space creatures we encounter have a “sixth sense”--that of being able to read another’s mind. This would be tantamount to the well known contract element “meeting of the minds” would be unnecessary.

Therefore, to meet this problem, man must develop a more basic system of law, one which does not base its validity and implementation upon the anthropocentric values and characteristics of the Homo Sapien. Scientists in the field of Space Law have referred to such a system as Meta-law.

In Meta-law, one must deal with all forms of existence with sapient beings different in kind. The basic premise, i.e., the Rule of Meta-law, may be stated simply as, “We must deal with others as we would have done unto them.” If we were to treat others as we desire to be treated, such treatment would not destroy them. Therefore, we must treat them as they desire to be treated.

Just as man--a Homo Sapien--has been confined to his environment and social relationships among other men, so to, it may be assumed, creatures on other celestial bodies have been conditioned by the nature of their environments and relationships. A new environment would necessitate a new orientation for man.

The development of Meta-law will come with this orientation.

In speculations about the development of space law, man must not rely on the possibility of enforcing his legal principles on other intelligent beings in the manner that we Americans enforced our will on the American Indian, i.e., on the premise that the other intelligent beings would not be able to withstand our force. We must bear in mind that the situation may be reversed and that we, mankind, may turn out to be the savages who are discriminated against, decimated, and enslaved.

Law protects persons--reinforces them in their rights and duties. Ultimately, all cases are in personam cases. That doesn’t make U.S. steel the enemy which the “administration,” The F.B.I., HUD, aren’t the predators of the people. But it does mean that law provides the channel through which people can express and enforce the kind of society they want to live in.

After all, how much efficiency can we stand? Who is to decide which society needs more, the proposed new cowleaver or Willow Jones’ right to her home? Who balances the value to mankind: more jobs for the poor, the Blacks, the Chicanos, the Puerto Ricans, the Hillbillies, who experience daily the frustration we felt as we tried to get this intelligent, good man, a university administrator, to respond to our needs.

Black Law Day

by Dale Weyhrich

A “Black Law Day” is tentative-ly planned for March 23rd. The program will include panel discussions and presentations concerning the role of the black lawyer in our legal system. The tentative date is just before the beginning of the National Convention of the Black American Law Students Association, which will be held in Chicago. The Valpo BALSA chapter hopes to utilize people who will be attending that convention for its program. Further details will be announced later.

The group’s major effort this semester is directed at minority student recruiting. They will be visiting many midwestern campuses to discuss the law schools’ program and expect to appear on the Chicago television program “Our People.” This is part of an attempt to ensure adequate representation of blacks and other minority students in the law school student body.

Members of the group are also participating in a national program to find summer clerkships and permanent positions for minority law students. In addition to the National Convention in Chicago, a meeting of black law students from the four Indiana law schools is being planned.

Treasurer’s Report

by Michael Rush, Treasurer

The present school year marks the first time in recent years in which the Student Bar Association has operated within an itemized budget system. Early in the school year a budget committee, chaired by the treasurer of the Association, was appointed. President Bob DeChellis. This committee was responsible directly to the Executive Board, the latter reserving final approval or rejection of committee’s proposals. After lengthy debate a final budget was approved and published within the law school.

The Student Bar Association received income from sources. One source is derived directly from the students of the law school in the form of dues, $10.00/student/semester. The source is a rebate from the University Business Office of $13.50/student/semester. This rebate is subtracted from the $82 general university fee which is paid at registration. The Student Bar Association receives no other direct form of income although donations from interested persons are received annually by the Senior Brochure Committee, an adjunct of the Association.

The Association’s checking account is with the Northern Indiana Bank and Trust Company of Valparaiso. As of January 20, 1972, all bills were paid and the account balance is $453.66 in the checking account. The next income will be the first installment of the Student Bar Association dues, $2,500, and is expected to be deposited during the week of 24 January.

All members of the Student Bar are invited to examine the financial, speeches and other presentations concerning the role of the black lawyer in our legal system.
I think that the first-year class should stop crying and start studying. Every law student has a right to complain, but the last few weeks have been ridiculous. The actions of the "Leaders" of the first-year class give me the impression that they have been told so often that they are the brightest, most talented, most socially conscious group of people the world has ever seen that they now believe it. They have decided that it is up to them, in their infinite wisdom, to be the saviors of the law school.

To remedy the "tremendous injustice" of the present grading system, they set up a Grading Systems Committee. After a few days of consideration, this committee decided that the law school should adopt a numerical system of grading. After five months of law school and one set of examinations, the instant experts of the first-year class know more about grading systems than the faculty and the rest of us law students.

Have any members of the committee contacted students from other law schools for information about grading systems? I doubt it. If they had, they might have heard complaints about the tremendous injustices of the very system that they are advocating. But, of course, since the first-year class is made up of the brightest, most talented, etc. group of people, they couldn't possibly be wrong.

The first-year class, evidently, thought that since they have such great credentials that nothing below a C could be given to them. I looked at the grades that were posted for the first-year class and they looked about the same as first-year grades have looked in the past. In fact, I understand that some of the professors had to lower their curves. Obviously, however, since the first-year class is the brightest, most talented, etc. group of people, those poor grades couldn't possibly be their own fault—the grades must be the fault of the physical facilities of the law school or the grading system or certain professors.

Well, I think that it is about time that the first-year class grew up and faced reality. This is a professional school, not another three years of playing undergraduate games. Admission doesn't guarantee graduation and you can't blame your own failure on someone else. If the professor doesn't spoon-feed the material, then go out and learn it on your own. In less than three years, some of those pampered, petulant prima donnas will be out practicing law and there won't be any professors to lean on. After five months, the members of the first-year class plan to hold a sit-in when they lose a case or picket the Supreme Court when they lose an appeal. But, of course, since they are the brightest, most talented, etc. group of people, they will never lose a case—even though the only skill they've taken the time to learn in law school is how to set up a grievance committee.

Of course, they had to set up their own grievance committee. It doesn't matter that two years ago, students got voting positions in the faculty meetings so that student problems of Law operate its own points would be voiced. Since members of the second and third-year classes don't have the high credentials of the first-year class, they couldn't possibly represent the first-year elite. At any rate, no first year student ever bothered to request that elected student representatives to the faculty committee before they set up their own grievance committee, perhaps because we are mere law students and they are the saviors of the law school.

Obviously, that is why they also set up committees on Student-Faculty Relations, The Law School Building and the Law School and Society. The rest of us just aren't bright enough, talented enough or socially conscious enough to have recognized these problems until the first-year class brought them to our attention.

Well, the first-year elite are not the only people who recognize that there are problems. Unfortunately, all of us realize that it is not perfect. But if the Law 1 Steering Committee is going to be our savior, then and its members should take the time to learn what the system is all about before they start demanding changes. Perhaps they will realize that in their infinite wisdom but limited experience haven't yet recognized.

Personally, I think all these committees are simply an effort to find an excuse for not studying. At the moment, I can't decide whether I should organize a Law 1 Baby-Sitting Committee or just be damn glad that I will be graduating before they have time to turn the law school into a kindergarten.

At Our Bar

Other internships are directed toward involving students in specific areas of public interest law. They serve as an excellent vehicle to gain expertise in specialized fields. Classroom discussion and analysis are considered an integral part of the internship program and a variety of seminars will be offered through the course of the summer.

In conjunction with the ten-week Institute, a two-day Workshop in Clinical Legal Education will be conducted. The objective of the Workshop is to provide assistance to students and clinical directors in expanding existing programs and establishing further expertise in this developing area of legal education. Agenda for the Workshop will include administration of student internship programs, establishing new programs and other related problems.

If you are interested in spending some time at a unique bar this summer, contact: The University of Denver College of Law, Student Internship Program, 200 West 14th Avenue, Denver, Colorado 80204.

Book Exchange

The Book Exchange was set up by students who are concerned with the fact that the cost of going to law school is very high. They felt that a Book Exchange run by students would help to alleviate this problem by lowering the cost of books. Unfortunately, their plan did not work. It did not work because few books were brought to the Exchange and even fewer sold.

They are not discouraged, however. At the end of this semester they will collect books from graduating third-year students, and next fall they will open the Exchange again.
Midnight Reflections

by Tom Guelzow

Perhaps in being five-sixths of a lawyer and fully bored with law school, while at the same time anxiously awaiting actual practice, it is not surprising to conclude that there must be something about the practice of law that is not in the classroom. Perhaps that something is creativity.

The study of law is a time when students try to endeavor to find out what the law is and not what it ought to be. This metaphysical level of endeavor soon loses its flavor; for me this happened within my first ten weeks of school. What then happens, a layman might properly ask? The response is agonizingly, "one continues at this level of study for 2 and one-half more years."

I feel like Richard Brautigan when he penned: "For all the time my teachers have stolen from me, they could have ridded with Jesse James."

What is it, therefore, about the law that seems to sour in the mouths of those who study it and yet later seems sweet when engaged with a degree? Is the difference between the two creativity?

If creativity means originality, I suggest the law is nearly devoid of this characteristic. Think of it, one may argue eloquently before the bench is, words, stare decisis seems to be a retarding factor which will lead to the improvement of the profession. In the main, however, it is my fear, that most enthusiastic first-year students become over-paid, three-piece-suit automatons, in just three short years—an amazing accomplishment. Actually, what ought to be done in terms of originality is to charge lawyers with grand larceny for stealing someone else's thoughts. However, this assumes that the discovered thoughts were original, when in reality further research would probably reveal that they were robbed by someone else who in turn robbed them from.

Perhaps the point of this overblown exercerice, assuming there is one other than the precedent. We need predictability because without it, someone told me, man would be capricious, the law would be inconsistent, and men would be treated differently—and how could we codify that?

Thus, in the name of convenience, we give all prospective law students, get information, become fact-finders, buyers of casebooks, eager to find out what the law is before you know what you can do with it, or what it could be, or if you like it. In short, become a law student before you realize that you may have a viable contribution to make to mankind.

Rappaport Raps

With the end of the war in sight, people are beginning to debate the merits of giving amnesty to draft resisters. Four distinct positions on this issue have appeared already, to my knowledge. In the main, one group feels that it was right to resist the draft in this war. The United States was wrong in becoming involved in Viet Nam, they argue: so people who refused to cooperate with that involvement were right in refusing. How, they ask, can you speak of punishing or forgiving people for doing what was right?

Another group argues that a man's conscience takes precedence over the dictates of his government. These people claim that a person has a duty to obey his government when he believes that it is ordering him to do something that is immoral. They do not, however, advocate that a man should be free to disobey his government with impunity. They believe that a man has a duty to do what he feels is right and to take the consequences of his action if it violates the law.

A third group raises some eminently practical questions against the proposition that amnesty should be given. How could the United States ever field an army of draftees again if it established the precedent that draft evasion will be forgiven? Also, on a broader level, if individuals are given the right to decide which laws or which wars they will support, how can our government survive?

The fourth position also can be stated in the form of a question: Would it be fair to the 3,000,000 men who fought in the war to forgive those who refused?

Looking at the issue from the perspectives of those positions, there are three alternatives: continued prosecution of draft resisters, amnesty, and conditional amnesty (forgiveness if the resister performs a task of some kind, such as working in a poverty program).

I propose another way of looking at this situation. Going back in time to the beginning of our involvement in Indochina, when the first draft registrants were called upon to serve in the armed forces they faced three alternatives: they could submit to induction, face criminal prosecution for a refusal to submit, or begin some activity that would entitle them to a deferment. I think there should have been a fourth alternative, legal association, i.e., renouncing citizenship.

Citizenship is not an absolute quality that a person cannot divest himself of, and the possession of a draft card does not make it absolute. When a person is faced with the prospect of fighting in a war that he feels is wrong, he should be given the option of disassociating himself, legally, with the country that is placing him in that position.

Congress could give that option to draft resisters, making the ramifications of his choice effective. The people who take this option would then be free to travel, to settle in countries of their choice, to visit their friends and relatives in the United States, to return as aliens to live in this country. I am not suggesting that this is a solution to the problems we are faced with in this situation. My point is that draft resisters should have been given this option initially; and since they were not, they should have it now.

America is supposed to be the "land of the free." Surely this free dom must include the right to leave the country without being followed by the threat of prosecution for draft evasion.

Problematical Recreations

A man has red, gray and black flagstones for making a walk. He wants no two consecutive stones to be the same color, no consecutive pair of stones to have the same two colors in the same order, no repetition of three consecutive colors, etc. He starts out laying first a red stone, then a gray, and continues until he finishes laying the seventh stone. Then he finds himself stymied and unable to use any stone for the eighth without a repetition of some color pattern. What were the colors of the first seven stones?

PLAY DUPLICATE BRIDGE

Every Sunday afternoon at 1 p.m.
Law School Lounge

Everybody Welcome: Beginners or Experts, Students, Faculty, Staff or Non-Students

ACBL sanctioned game: master points to winners

Jesus

Are you still searching for a deepness, a life in Jesus? Are you looking for something but can't quite put your finger on what? Are you unsatisfied with yourself and what you're doing? If you answered yes to any one of these questions, there's a group of students on campus willing to share the way they found answers to the same questions. The name of the group is Valpo Christian Fellowship, and it's sponsored by Inter-Varsity Christian Fellowship.

These students believe that Jesus Christ fills his lives with love and gives a deep and purposeful meaning to their existence. They'd like to share their joy with you. If you're interested, there are chapter meetings in the Union several Friday nights during the semester. There is also a book table set up in the lobby of the Union from 9-2 every Friday. If you have questions, call Tom Wall in Brandt, or talk to any of the kids working at the book table.

KEMPO

Self-Defense and Physical Exercise Once a Week—On Saturday 11 a.m. At Gym Wrestling Room It's a combination of kicking, hitting, throwing, and defense from natural movement. (Law students, you need exercise at least once a week.) Anyone interested is welcome to join.

Men---$4.00---per month
Women---$2.50---per month

Taught by Mory Fukuda
3rd degree black belt of the Japanese KEMPO Association