

## GENERATION X GOES TO LAW SCHOOL: ARE WE TOO NICE TO OUR STUDENTS?

BY HELEN A. ANDERSON

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A legal writing colleague mentioned that she had seen an interesting book and wanted to read it. The book was *Generation X Goes to College* by Peter Sacks (1996). Always on the lookout for a good read, I bought it a few days later. I was unable to put it down for two days, and would read aloud sections of it to whomever I could snag. Sacks recounts his experiences teaching journalism in a community college, and the parallels to teaching legal writing are astonishing.

Much of what Sacks observes centers on the migration of power in American education to student from professor. Much of this power is wielded through student evaluations and the ability to “make life difficult” for faculty by complaining to the administration. He also struggles with the modern student’s need to be entertained and what he sees as the expectation of ever-increasing amounts of hand-holding. He claims that many students have developed an overblown sense of their own abilities after years of undeserved positive feedback in the name of building self-esteem. Sacks does not hate his students, nor does he really blame them for the current state of affairs. He comes to believe that they are the ones who are being cheated by grade inflation and a loss of rigor in education.

Of course, there are many differences between Sacks’ experiences and mine. The law school where I teach has high admissions standards, and my students are for the most part disciplined and motivated. There is still a “Paper Chase” mystique around law school so that first-year students expect a tough time and they expect to work hard. Sacks, on the other hand, taught many students who really were marking time in their seats.

Nevertheless, there are many similarities. Like Sacks, I teach a writing course, and thus must give feedback and grades before student evaluations. Like Sacks, I face many students who are unprepared for rigorous, constructive criticism, and who seek a great deal of hand-holding. I have felt the tension between keeping students happy and getting them to confront the real problems in their work. My colleagues and I have discussed how we sometimes feel pressured to “guarantee” success for every student purchasing a legal education.<sup>1</sup> After seven years of teaching, I have become accustomed to this system and generally feel positive about my students and the work they do. I feel that I have struck the right balance between accommodating students and challenging them. But Sacks’ book caused me to wonder whether my experiences are part of some larger educational trend, and what the implications are for legal education in the long run.

### Sacks’ Experience in Community College

Sacks began teaching journalism with, he admits, only a dim idea of what was ahead. Initially he was awkward in front of the class, believed students should value his real-life journalism experience, and tended to be strict about deadlines, writing quality, and attendance. His rapport with students was poor, and so were his student evaluations. A few students accustomed to working the system complained that he was too tough, and Sacks learned that the administration expected him to “cut a deal” with these students to make the problem go away. In short, Sacks’ first year of teaching was very rough.

Sacks learned that he would not get tenure unless his student evaluations improved. He briefly considered going on Prozac in an effort to change from an introvert to a more “outgoing, vibrant, dynamic personality”<sup>2</sup>—the kind of entertaining personality he imagined would garner

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<sup>1</sup> Sacks discusses extensively the way education is viewed as a consumer good in the modern American college. He says that students see themselves as paying customers who should demand satisfaction, while administrators compete for customer dollars in the form of higher enrollment. Sacks, *supra*, at 70–81, 158–162.

<sup>2</sup> Sacks, *supra*, at 82.

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better student responses. Fortunately, his wife talked him out of medication. Instead, together they devised what Sacks calls the sandbox experiment.”<sup>3</sup>

Briefly, the sandbox experiment entailed giving the students whatever they wanted. If a student needed to rewrite a paper for a better grade, fine. If a student needed an extension, no problem. Tardiness or absences were no longer remarked upon. Class time was spent working in groups or actually doing assignments that students had not completed outside of class. Most important, he decided to give “outrageously good grades.”<sup>4</sup>

Sacks describes this as an “experiment” designed to show whether he could get tenure by catering to student wishes, and describes himself as working undercover to expose the realities of modern education.<sup>5</sup> I found this explanation a little disingenuous. After all, he did get tenure, and he was still teaching at the time the book was published. It is clear that the ethical implications of the experiment troubled Sacks as well, and he believes that by “confessing” and writing this book he has justified his behavior.<sup>6</sup>

In any event, the experiment worked. Sacks’ student evaluations soared, the administration smiled upon him, and he was rewarded with tenure. He concluded,

And thus, my little sandbox experiment worked, just as [my wife] and I had hypothesized it would. That was how the system worked. Teachers like me dished out high grades for mediocre work.<sup>7</sup>

Yet Sacks remained convinced that high standards could have worked, even in a community college, had there been any support for them.

I still don’t think I was expecting too much of my students; in a less corrupt system, in which students themselves were not empowered, by virtue of their mediocrity, to essentially define their own standards and curriculum, there would have never

been a problem; they would have performed at the college level, or would have been forced to find something else to do with their lives.<sup>8</sup>

### From Community College to Law School

What does all this have to do with law school? Law students, as a whole, are more motivated and competent than community college students—they’ve graduated from college and navigated the law school admissions process. Unlike Sacks’ journalism students, most of whom never expected to be journalists, almost all law school students are seeking preparation to practice law. I don’t see law students working as hard as Sacks’ students to dumb down the curriculum. Nevertheless, there are important parallels.

### “Hooked on Hand-Holding”<sup>9</sup>

Sacks recounts his surprise at learning that students expected an end-of-the-semester “review session” in which they would be told exactly what to expect on the test. I also was surprised, upon returning to law school to teach, to find that “review sessions” were expected for all doctrinal classes. I’ve noticed other kinds of hand-holding: professors posting course outlines on the Web, upper-class tutors assigned to provide extra help for each first-year course. Much of this is a welcome reaction to the old “hide the ball” teaching style that many of us now teaching suffered under. But too much hand-holding may give students the erroneous impression that they don’t need to learn how to analyze course material on their own.

In legal writing, the hand-holding takes the form of extensive pre-drafting conferencing, classes where issues and key authorities are spelled out, and the general “availability” of legal writing faculty to answer any question, no matter how trivial. I like talking to students, and I like getting to know my students during office hours. True, I sometimes wonder whether when I “give away” the key issues and authorities, or when I suggest the proper order of analysis in a memo, I am

<sup>3</sup> Sacks, *supra*, at 83–86.

<sup>4</sup> Sacks, *supra*, at 85.

<sup>5</sup> Sacks, *supra*, at 83–86.

<sup>6</sup> Sacks, *supra*, at 86.

<sup>7</sup> Sacks, *supra*, at 102.

<sup>8</sup> Sacks, *supra*, at 101.

<sup>9</sup> Sacks’ phrase. Sacks, *supra*, at 60.

discouraging independent analysis and encouraging a kind of “learned helplessness.” Yet students seem to really appreciate the tips, and perhaps they learn enough from this modeling of how to go about the important steps of researching and outlining. I also see that no matter how much I think I am “giving away,” students are still left with more than enough research, analysis, and writing to work out for themselves. My colleagues and I have debated this point. I know that some other schools have tried to move away from hand-holding by having some assignments done with no consultation whatsoever with faculty—a kind of final exam.

### Grades and Evaluations—The Mutual Admiration Pact

Sacks’ sandbox experiment struck a chord with me because I have had a similar experience with the effect of grading on evaluations. Where I teach, there is a mandatory grade distribution scheme for first-year courses. For my first few years, I therefore followed a policy of grading each assignment on a strict curve, thinking that students needed to know where they stood and what kind of grade they were likely to get in the course. My student evaluations were not as high as I wanted, however, so two years ago I finally decided to see whether a change in grading policy would have any effect. I did this after a student commented that just raising the median would improve student morale, even if it did not change students’ positions on the curve. And I had also heard that an important factor in student evaluations was how well a student believed he or she had done in the course. I therefore raised the median for early assignments, and bunched grades at the high end of whatever numerical scale I used for a particular assignment. Whereas before I had reserved high grades for particularly good memos, I now made sure that a sizable group received high scores. The final assignment for the course then became more determinative of the course grade. Since the final assignment was returned after student evaluations, I could feel less restrained about making distinctions when grading it.

Unlike Sacks’ sandbox experiment, my grading experiment was not part of an all-out effort to

please students on every level. I continued to provide the same kind of constructive criticism and tough writing standards in my written comments. I noted where students had been successful and how they could improve. I simply wanted to see if raising the scores on assignments would make a difference.

I was amazed at the results. My evaluations improved markedly and students seemed much, much happier. What had taken me so long? I am actually convinced that my “improved” grading system *is* an improvement. Students on the bottom half of the curve are not demoralized and can make the effort to improve their writing. Much as teachers can be demoralized by poor evaluations (witness Sacks’ thoughts of Prozac after his first evaluations), students who get consistently poor grades can become depressed and unable to learn. It may be that with higher grades some students are lulled into a false sense of achievement, but if they pay attention to the written comments, they will know what further work they need to do. I still give poor grades to those few people in every class who do not or cannot make the effort. And I can’t say that I have observed any overall difference in the quality of student work under my current and former grading practices.

However, it was eye-opening to see that grades have such an enormous effect on student evaluations, especially considering how important those evaluations are to faculty careers. In light of Sacks’ book, I wonder about the combined effect of increased hand-holding and “happy” grades. Are students being cheated out of a real challenge? In our efforts to help students and make them feel better, are we lowering expectations and compounding the sense of entitlement many already think exists in Generation X? Sacks clearly thinks that is true for many colleges. I like to think that my colleagues and I have struck the proper balance between high standards and student-centered teaching. But Sacks’ book is somewhat unsettling.

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