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Critiques on the Open Exam Policy: In Defense of and Arguments In Opposition to

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In Defense of the Open Exam Policy

by Charles McGuire

It is not often that one has the opportunity to participate in innovative ideas which may be of assistance to others similarly situated in the future. The open-examination policy is one such idea. Although it may be relatively new, it is certainly not revolutionary in nature.

For the benefit of the entering students, a brief explanatory note may be helpful. The open-exam policy is a system whereby students are afforded the opportunity to select those days within a two-week period in which all their exams must be taken. This system has been in effect, in various forms, for three semesters. Prior to the initiation of this program, the administration selected a certain day and time in which an exam would be taken. For illustrative purposes, under the open-exam policy, each first-year student has the discretion of deciding when he will take Torts I. Under the previously administered program, all first-year students would take Torts I on Wednesday at 10:00 A.M.

In defending our current system, I would neither oblige myself nor any other student to resort to the time-worn cliche that "no matter what system is devised, students will find a way to get around it"; although at first glance this would appear to be the most suitable response to those who express opposition views. Nor will I concede that it is inevitable that a few will always be found among a group of students to be guilty of transgressions of the Honor Code. I do indeed find it an unfortunate situation that one case of exam manipulation during the past semester is of record. As far as all of us are concerned, one is far too many.

However, before one condemns the policy, one should evaluate the rational behind it, without feeling over-sympathetic with law students in general. In its most basic form, it operates as nothing more than a convenience to the student. It vests each individual with the discretion to initiate whatever program of study he desires, in order to most effectively prepare for each exam. It originates from the very simple premise that each student is different, both in study habits and in examination-taking. One student may feel adequately prepared for Torts I in two days, while it may take another student four days. Why can't we afford the student that opportunity for further preparation?

Yet, there are some critics (students and faculty alike) who attack this very "convenience". They cite the constant pressure which exists in the bar exam and in the courtroom. But they overlook the vast amount of time that is spent studying for the bar and preparing every case. An attorney, if adequately prepared, should find him or herself in very few pressure situations. All I ask is for the opportunity to have that time for preparation both now in taking an exam, and later in practice when preparing my case. The open-exam policy is one such method towards that preparation.

Another criticism of the policy is that it acts as a subterfuge for conniving students to "beat the system." This general charge can only be answered on an individual basis by each student. All I can hope is that we have come to learn the roles which honesty and integrity play in our everyday lives. To deny all students the benefits of this policy, based on one incident of cheating, would work a grave injustice.

I think the administration was correct in adopting the program and I thank them for having the perseverance to remain with it. Other than the inherent weaknesses which accompany all novel ideas, the workability of this system lies in its strength: the students.

Arguments In Oposition to the New Open Exam Policy

by Robert Lankin

The main argument against the open exam policy is that it is now possible for dishonorable persons to learn the questions of the examinations in advance and that it is in fact a distinct possibility that there are persons who are organized for this very purpose. Proponents of the open exam policy say that arguments that cheating is taking place is all a "fairy tale" and that law students have the integrity to observe these rules. Of course, no one can say that there is in fact no cheating taking place. I should think that a system that gives anyone an unfair advantage is wrong even if only one person benefits from this advantage.

Proponents of the open exam system point out that the main reason that the main reason that they feel that the open exam system is good is because it makes it convenient to have study time spread out. Clearly, there is no more time available for studying with the new system, just that it makes studying easier. Those who disagree with the open system point out the significant possibility that numerous persons are taking advantage of the situation and that this wrong clearly outweighs the convenience of taking the tests any time one pleases.

The new exam policy places the heavy burden of enforcement of the honor code on the student body, a burden some say that the student body is not meeting. The faculty have completely avoided any responsibility in the enforcement system. When the new policy was instituted, Dean Budekke stated that there would be proctors present in all examination
rooms. This promise has in fact been ignored, with proctors rarely being present. With such a large strain on the honor code, the faculty should be taking an active role in enforcement. Opponents of the honor code often point out that this absence of faculty participation has in fact been detrimental to the open exam policy.

While no one can say that there is, or is not widespread cheating, it is clear that there is widespread negligence and petty assistance. It is not clear that the mere discussion of the subject matter is a violation, whether or not specific exam points are covered. It is obvious that minor points and small amounts of assistance is filtering through on a large scale basis. Not everyone refrains from discussing exams in places where other law students can hear. While these minor violations may not be organized cheating, they are violations nonetheless, because they give certain information to some persons and not to others.

A serious deficiency of the open exam policy is that its major premise, that it is the will of the student body, faculty and administration that dishonorable conduct be punished, is not entirely based on fact. If it is in fact the will of the student body that bona fide violations of the honor code be punished, why was a three day statute of limitations (weekends, holidays, etc. excluded) included in the honor code? A statute of limitations so incredibly short and notoriously unpublicized can only serve to benefit the guilty. Should a student see a violation on Monday morning and report it Thursday at noon, this violation could remain the opinion of this writer that widespread cheating exists should either come forward or is not widespread cheating, it is clear that there is widespread negligence and petty assistance. It is not clear that the mere discussion of the subject matter is a violation, whether or not specific exam points are covered. It is obvious that minor points and small amounts of assistance is filtering through on a large scale basis. Not everyone refrains from discussing exams in places where other law students can hear. While these minor violations may not be organized cheating, they are violations nonetheless, because they give certain information to some persons and not to others.

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While there are strong arguments opposed to the open exam policy, it remains the opinion of this writer that the argument in favor of the open exam system is stronger.

Dear Editor:

There are many rumors floating around the school about the possible abolition or modification of the existing open exam schedule. The most frequently heard justification for such action is that under this system students have engaged in “massive cheating”. Unfortunately, the person to whom you are speaking, whether a student or a professor, never has personal knowledge of specific instances of cheating but he or she “knows” that it goes on. Unless there is a conspiracy of silence involving 1100 persons, it is incredible to me that no one has had enough evidence to bring a charge of cheating on an exam before the honor court if such cheating exists on the scale which many students claim.

If we are to continue our innovative and progressive open exam schedule, the persons who “know” that cheating exists should either come forward and make the proper charges before the honor court on stop spreading unfounded rumors.

Janet Stithewell

[editor’s note: see Charles McGuire’s article p. 17 for one case of “examination manipulation” on record. See also “University of Baltimore School of Law Honor Court Decision 75-2”, p. 14]
that the obstacles imposed between
the student and his right to Vote for
SBA representation violate the integ­
rity of this Law School.

Jamie-Beth Baer

Dear Editor:

I would like to take issue with the
terms of the administration decision
permitting the law students to have an
eating facility in the library basement.
This decision is coupled with a warn­
ing that the facility will be eliminated
if the law students do not keep it clean,
keep the noise level to a “minimum”
(which presumably means eating quietly),
prevent all law and under­
graduate students from bringing their
food to other library areas and other­
wise behave themselves.

I believe that past history docu­
ments the fact that the University of
Baltimore has continuously dealt with
the students in bad faith in this and re­
lated areas. The sanitation and main­
tenance of the microscopic student
eating facility in Charles Hall stands
as evidence to what will happen to the
new law school eating facility. The ta­
bles and chairs are broken and in­
adequate. Overflowing trashcans are
the rule rather than the exception. The
tables are wiped rarely, if ever.

During the entire past year, no
employees were assigned to keep the
law school lounge clean. The rest
room facilities in the Law Library were
not cleaned often enough for even min­
imal sanitary conditions. Even the
trash cans on the lawn in the express­
way cloverleaf continually overflowed.
It does not take a prophet to see what
will happen to the new eating facility.

The entire attitude taken by the ad­
ministration is completely reversed as
to what it should be. The library and
University exist for the benefit of the
students, not for the convenience of
the administration. If there is to be a
University, eating space must be pro­
vided. It is the responsibility of the Un­
iversity to provide eating facilities for
the benefit of the students and to keep
these eating facilities clean, just as it is
the responsibility of the University to
provide restroom facilities and keep
them clean.

This is not to say that reasonable
rules should not be imposed. Eating
on the reading floors of the library can
and should be prohibited. Reasonable
punishment should enforce these re­
strictions. Signs should be posted in
the eating facility urging users to de­
posit trash in wastebaskets, etc. How­
ever, unreasonable rules such as noise
level restrictions are wrong and
should not be imposed. The administ­
ration’s decision to attempt to shift the
ultimate responsibility for keeping the
lounge clean and the statement that
the use of the facility is a revocable
privilege is wrong and unreasonable.

Students have the right to eat their
lunch somewhere on the University
premises. The administration has the
privilege of serving the students and
the taxpayers.

I believe that the student body’s vic­
tory in obtaining the new facility will
prove to be a hollow one if the terms
and conditions as presented stand.
These conditions stand as a
monumental insult to the professional
student body.

Robert Lankin

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