To: The Faculty  
From: Alan N. Polasky

MEMORANDUM

To: The Faculty  
From: Committee on Uniform Revision Affecting Gradient Evaluation [cable address—COURAGE] (formerly the Ad Hoc Subcommittee on Grades and Incentives—known as the Ad Hoc GAI group; our name has been changed to prevent confusing us with the Gay Liberation Front).  
Re: A Proposal to Avoid Student Degradation  
November 7, 1972 (revised)

The recent discussions at the faculty meetings concerning the proposed grading system, including the proposed substitutes, as well as the committee proposal, utterly fail to satisfy the seven basic requirements of any adequate grading system. Discussion brought out the following seven basic requirements:

1) We should recognize that all of our students have achieved basically an A average in their undergraduate careers (with an aberrational occasional B) or they wouldn’t be here under our present admissions standards. Therefore, it is somewhat traumatic for any of these students to receive a grade below A. The proposed grading system should therefore take this into account and insure that no student will be “degraded” by receiving less than an A grade.

2) Many students have indicated a feeling that the grading process is basically demeaning in forcing them to compete over a three year career for grades without the opportunity of achieving a level of performance which would obviate the necessity for grade-grubbing and unbecoming competition.

3) Students would also like the opportunity to “learn for learning’s sake,” and to choose courses without the pressures of being concerned by the difficulty of the course or the reputed stinginess of the professor with respect to grades.

4) Students do however seek recognition for a job well done and would like a grade feedback which would recognize this.

5) Many students feel that grades will be necessary (particularly high grades) in seeking jobs and other employment and quite naturally will seek to have grades which will enable them to compete successfully with the grades of other leading law schools.

6) Students feel that they should have an option for an “entry-no entry” system. We would add that law-trained professionals make decisions only after the facts are ascertained. The entry-no entry decision should be made only after grades are made known to the student (and no one else).

7) The faculty itself feels a need for grades in order to promote the following hallowed and time tested goals and standards:

a) Grades are necessary in order to select students for the Law Review and Journal of Law Reform.
b) Grades will be necessary in order to identify those students who deserve recognition in the form of book awards from the West Publishing Company and other indicia of high performance.

c) A positive incentive is deemed necessary in order to insure high performance.

d) And some feel it is necessary to have some indication that the student meets the standards of performance and ability which will mark him as one who has those requisite qualities exemplifying those standards of excellence which are the hallmark of a University of Michigan Law School degree.

None of the proposals set forth by the Grades and Incentives Committee, or by way of substitute motion, fully meets all of the criteria set forth above.

The Proposal—The Asterisk Symbol System

The proposed system affirmatively modifies the old "Five A-Reserve Eagle" proposal of our committee in 1968 and more important, the proposed "Asterisk Symbol System" does meet each of the requisite criteria. In addition, it supplies certain desirable attributes of a preferred permanent grading format.

The proposal is for a five grade system using a 4.0 system similar to that which we used at Michigan before. The only difference is that we will now use the following five grades: An A**** equivalent to the old A, an A***, an A** and an A* plus an A [the latter being a failing grade]. For those professors who prefer to use the present A+, B+, C+ and D+ we will add an A****1/2*, A***1/2*, A**1/2* and A*1/2*. We also propose to add what is the equivalent of a D- or E+ grade which will be known as a 1/2* and the person who receives it will receive a 1/2* grade and will be known as a 1/2* student.

The A4-1/2* is not essential to our system but is quite helpful. We will have a firm rule that only 5% of the students in any class (adjusted for obvious multiples of 20) may achieve the 4-1/2* grade. We will also provide that any student may enter or not enter his grade after he has learned what the grade is in the course. The rationale of this latter proposal is that lawyers should not shoot from the hip but should have the facts before they make a decision. This poses some problems for the student who in the first semester finds that his highest grade is a course is a 3* grade. If the student enters the 3* grade, it is quite apparent that he will never be a student who can say that he has a straight 4-1/2* average. However, this is not as bad as it seems. Let us assume that under the Curriculum Committee's new proposal, grades will be given each semester and that a student in his first semester will take five courses and receive a grade in five courses at the end of the first semester. It is apparent that each student will have to concentrate his efforts in one course (in view of the rather equal quality of our students) in order to shoot for a 4-1/2* grade in a given course. (This should insure, at least, a very high quality of performance on the part of at least a portion of the class). Even granting some overlap, it is apparent that we may predict that approximately 20% of our students will achieve a 4-1/2* grade in one course during the first semester. Obviously having achieved a 4-1/2*, the student will enter that grade and will no longer feel that he needs to grub for grades or shoot for a high average—since he now has the highest accolade which the school can confer, namely, a 4-1/2* average. As a result, that student may now "learn for learning's sake" (without grubbing for grades.) This means that only the remaining 80% will still feel the need to try for grades during the second semester. Following our analytical probability calculations, it is apparent that by the end of the fifth semester all students should have achieved a 4-1/2* average. It is of course possible that some students will still be striving in their sixth or seventh semesters. Nevertheless, by the end of the fifth semester (and, indeed by the end of the fourth semester approximately 80% of our students will have achieved the A4-1/2* accolade), most students will be able to tell prospective employers that while grade averages are not released and while class standings are not released "only 5% of any given class received an A**** 1/2* in that class and that I have an A**** 1/2* average." For that student who has (perhaps foolishly) had a 3-1/2* grade entered for him at an earlier term, that student can tell the interviewing prospective employer that he has received nothing but A's at Michigan and, assuming he enters a higher grade later, that his recorded grade has improved subsequently. You'll note also that this system satisfies all of the criteria which I set forth at the beginning of this memorandum. It provides an incentive for the student to work hard and achieve the possible accolade before he enters the course. It rewards those who do well by permitting them, based upon their relative class standing, to achieve at an early date the A****1/2* accolade and thereafter "learn for learning's sake" without the demeaning requirement that they grub for grades. It still permits the selection for Law Review, Book awards and the like. Further, it makes it incumbent upon a student to continue to work hard until he receives the A****1/2* grade and thus we can be sure that students will be working hard in every course until, perhaps, at least the fifth semester. Thereafter, since all of our students will have jobs lined up, the students should be permitted in their senior year to "learn for learning's sake" and this ties in with the criteria set forth in the Curriculum Committee memorandum. A bit of reflection will indicate that each criterion of an optimum grading system as earlier delineated has been met.

We realize that the recent Faculty action (1972) took a major step toward the system we recommend but...

The moral: It takes "COURAGE" to make a complete "ASS" of the grading system!

A.N.P.
MEMORANDUM

To: The Faculty
From: Alan N. Polasky
Re: Ad Hoc Committee on Grading Standards et al.—Report of December 9
December 13, 1966

The Committee, and its supporting memoranda, once again raised the question of the desirability of further raising our grade norms, pointing out that at Harvard at least 80 percent of the students will, under revised grading procedures, achieve a B average or better. The suggestion once again (as it has been in prior years) is that our grading norms be raised so that our students may compete on at least an equal basis with their peers at Harvard and perhaps other law schools. Our response in the past has been to raise significantly the percentage of A’s and B’s in each class and, in addition, we have added the B+ and A+ grades which also tend to increase class averages. It should not take a great deal of study to ascertain that, in the light of the experience of the past five years or so, the “grade point race” has escalated. Rather than revise the numbers of A’s, B’s and C’s as we seem to do periodically, I would suggest (and this is simply a renewal of a suggestion made a number of years ago) that we avoid the periodic and traumatic experience of attempting to “change the grading system” by doing the job effectively once and for all.

The solution, it seems to me, is perfectly clear. At the present time, prospective employers are not given the student’s class rank and the student himself may appropriately plead that he does not know where he stands in the class. If we would simply institute a system of grades as follows:

A++
A+    A
A-    A

we would have the uniquely happy situation that any of our students could interview a prospective employer and say, in all candor, that he did not know his present rank in the class but that he could assure the employer that he had received nothing but A’s during his time at the University of Michigan Law School. Assuming that we give no grades higher than gradations of “A” (and you will recall that this faculty rejected the proposal for the “eagle” and “double eagle” several years ago), then we have certainly gone as far as is reasonably possible in assuring the student of top competitive position in seeking employment. This system should make it unnecessary for us at two or three year intervals to revise our grade systems upward in order to match the “Harvard scale.”

Roger Cramton’s memorandum pointed out that some students would like to see fewer grades and others make an argument for finer gradations in the grading process. You will note that the present proposal adapts itself admirably to either of these alternatives. For example, if fewer grades are desired, it would be possible to drop either the A+ or the A− grade, or, indeed, both. If, subsequently the A− grade proved to be a source of embarrassment and psychologically disturbing to the student who received one, this grade too could be dropped. Of course, this might result, as is easily foreseeable, in the “A” grade becoming a source of distress to the student who had hoped for the other (and higher) grade of “A++” and it may be that ultimately we will pass to that most perfect of all worlds where all of our students achieve the A+++ grade. Naturally, some instructors will want to reward the “superior” paper and it may be necessary to add an A+++ grade for those purposes, but clearly that problem can be met in the future if necessary. At the very least, the present proposal has the merit of anticipating future developments by several years and, consequently, curtail the amount of faculty time, effort and turmoil to be expended in debating “creeping grade-ualism” (as we might term more frequent revisions of the grading system).

Obviously, any suggestion that the Berkeley system be considered is inappropriate at this time because (a) it was originated at another school and not here, (b) it has not been sufficiently tested even at Berkeley, and (c) it has not been tested here and obviously should not be tried even as an experiment until some means has been devised of testing it as an experiment first.

A.N.P.

MEMORANDUM

To: The Faculty
From: Committee on Reappraisal for Advancement and Promotion
Re: Point System Borrowing Procedures
April 22, 1966

Your committee recognizes that a given professor, who has had a disappointing year (little ESP production) may wish to put forth increased effort in the succeeding year. The system as originally proposed does, however, erect substantial barriers to effective recovery efforts; a man desirous of increased production may find himself badly handicapped by an inadequate office, little or no secretarial service and curtailed research funds through his inability to utilize prior point accumulations. Since it is in the best American Tradition to encourage the downtrodden, the drop-out, the handicapped and the like to improve their positions through their own efforts and since we have recognized that even criminals are entitled to rehabilitation and bankrupts to a second opportunity free of the taints of prior failure of effort, your committee proposes the following three (3) point program.

1. Point Loan Proposal:

In any given year, prior to May 1 “Auction Day,” any member of the faculty may apply for the “loan” of up to 100 points or 65% of the average points earned in his three most productive years, or the average points earned in the immediately preceding ten year period (adjusted under paragraph (b) for leave and released time), whichever shall be lower, but provided that in no event shall the loan be less than 15 points for assistant professors, 12 points for associate professors and 10 points for full professors. Award of 15 points or less shall be automatic and award of amounts in excess shall be
made by the Loan Committee upon concurrence of a majority of the committee. Loan points shall bear 6% point interest—e.g. 50 points borrowed shall be repaid in 53 points at the end of the year on a one year loan, provided, however, that points in excess of 30 points may be amortized over a three year period (with privilege of earlier repayment on any annual point day, without penalty but requiring full payment of 6% point interest per year—simple interest).

Recognizing that the loan privilege is susceptible to possible abuse (though it seems somewhat unlikely), borrowed points may not be used for faculty salary increment bids but are strictly limited to bids re offices, secretarial service units and research funds. Further, no bids may be made for faculty salary increment until all loans, including accrued point loan interest have been repaid in full.

2. Voluntary and Involuntary Intellectual Bankruptcy:

Further, since a situation may arise in which outstanding point loans prevent further application for point loans under the above procedures due to unforeseen circumstances, but not including intellectual dishonesty (fraud or fraudulent transfer of point service utilization), each faculty member may apply on IB Form 73 for Voluntary Intellectual Bankruptcy (see procedure outlined in Kennedy supplemental memorandum).

When loans shall be in arrears for the specified period and the individual is in default on the point loan repayment schedule and the points owed shall exceed the estimated points accumulated in the year to date and there shall be no Point Bank Credits (see next paragraph) to the individuals credit, the Intellectual Bankruptcy Committee of the Faculty (composed of those members of the faculty with special talents in the intellectual bankruptcy area) shall, upon motion of any member of the faculty (upon clearance with the Personnel Committee and the Curriculum Committee) file a motion for declaration of involuntary intellectual bankruptcy. If such petition shall be sustained by the findings of a special three man committee appointed to audit the situation, the individual involved shall be:

(1) censured
(2) barred from leave for a period of 14 years
(3) given a double load of committee assignments
(4) work out his sentence—in point deficit units through additional counseling hours and committee assignment hours and in such further manner as the Dean shall designate.

3. Point Bank—Establishment and Interest Rate Policy:

Further recognizing the need for a more refined procedure to accommodate the gap between production and needs in a given academic period, your committee recommends creation of a Point Bank. Any individual may, instead of utilizing accumulated points in the ensuing academic year, deposit all or any part of such points in the Point Bank. Quite apart from its compatibility with values in the best American Tradition, the utilization of the Point Bank will encourage INSURANCE against the possibility of seven bad years following seven good (wise provision against a rainy day) and will further furnish some relief against the pressures on available resources in times of strain. To facilitate this Point Bank utilization to regulate the intellectual economy, in a manner similar to that employed by the Federal Reserve Board in fiscal matters, the Point Bank deposits shall bear interest at a rate to be set, from time to time, but not subject to reduction during any academic year but only on May 1 by two weeks prior notice by the Dean in consultation with the Research Committee. Interest rates may thus be regulated to encourage saving of points when fiscal and service resources appear in danger of strain due to over-heating of the intellectual climate, or to spur efforts when the intellectual level appears in need of a boost. Further thought is being given to adoption of an Intellectual Investment Credit (a spur to investment of points when needed), but this proposal is still being worked out.

Respectfully submitted,

Committee on Reappraisal for Advancement and Promotion

MEMORANDUM
To: Committee on Space Requirements
From: Committee on Reappraisal for Advancement and Promotion
Re: Relationship of space program to the previously outlined Extended System of Points (ESP) proposed by the Committee on Reappraisal for Advancement and Promotion.
April 20, 1966

You will recall that the "point system," to use its common name, provided a method for objective evaluation of faculty performance to be used as the basic criteria for advancement in rank. You will also recall that, in response to a desire on the part of some faculty members for greater participation in the decision making processes, the proposal was amplified with a view toward accommodating the greatest possible participation by the individual faculty member in selected policy determinations affecting him.

Briefly, the "point system" would serve as a basis for the allocation of available funds for salary increment, available secretarial services, research funds available under the Cook Fund and office space. To refresh your recollection, consider the illustration used of a man who had 97 points accumulated during the fiscal year 1966-1967 (the fiscal year being from May 1st to April 30th for purposes of point accumulation). The individual will make his own thoughtful decision as to the appropriate allocation of points in view of his particular scale of values and needs. For example, he may decide that he would like office no. 973. Since all faculty members are free to bid all or any part of their available points on any single office at the annual "auction," our professor may decide that he would like to bid 18 points on office 973. All professors are required to submit sealed bids, following the usual governmental bid procedures, to the Dean prior to May 1st. At a ceremony duly supervised, similar to safeguard procedures followed in a Chicago City election, the bids will be opened by the Dean and grouped according to offices bid upon. The man bidding the greatest number of points for any given office will be en-
titled to that office. Of course, if a man has a favorite office, he must also consider the possibility that others may bid for his present quarters and accordingly he must submit the highest bid on that office if he is to retain it.

In similar manner, you will recall, a man may allocate all or a portion of his points to the area of "salary increment." Again, on May 1st, the Dean will open all bids for salary increment and will, when the total salary increment available for the year becomes known, divide the total number of compensation increment points into the number available dollar thus determining the salary increase of each individual for the coming year. Similar procedures will be followed with respect to points bid for research funds and for secretarial time. (In the latter case, of course, the total number of points bid for secretarial services during the coming year will be divided into the total number of estimated Secretarial Service Units and each individual, having been allocated his assigned number of Secretarial Service Units may then apply them in an appropriate manner. [See Supplemental Memorandum on Utilization of Secretarial Service Units.]

As you will observe, this system is designed to avoid problems arising from subjective judgments made by deans, administrators, or even faculty committees. It maximizes the best of our American Tradition by leaving strictly to the individual the achievement of his own goals (in terms of the four categories) on a strict merit basis. It should make it unnecessary for the Dean to engage in subjective evaluations or the painful task of individual consultation with unproductive faculty members; indeed, while accommodating itself within the system of tenure, it nevertheless constitutes a valuable rein on abuse of tenure. For example, a man who is relatively unproductive in a given year may find that, through his own dereliction, he will not fare happily in the allocation of salary increment, office space, secretarial help, and research funds. (Victims of Temporary Adversity will be afforded relief through operation of the Point Bank and the Point Loan Bank—see supplemental memorandum.) Conversely, the "productive scholar" will reap the reward of his efforts. In an age when both status and inflation bulk large, even the most callous of TA's (Tenure-Abusers) will have to consider the effects of continuation of their past policies.

With this in mind, you can understand our Committee's reluctance to endorse the recent proposal of your ad hoc Committee. I'm sure that a bit of reflection will indicate that it is not in accord with that of our Committee on Reappraisal for Advancement and Promotion and we would suggest that you might withdraw your proposal or, perhaps, modify it to bring it into accord with the proposal which we have outlined above.

Respectfully submitted,

Committee on Reappraisal for Advancement and Promotion

MEMORANDUM

To: The Building Committee and The Faculty
From: ACCORD (Advisory Committee Concerning Our Redesigned Domain)
Re: Building design to accommodate equality concepts.
October 2, 1973

Historical Note: You will recall that various law school committees struggled personfully to resolve the difficult issues posed in developing an appropriate, fair method of assigning office space. This culminated in the memorandum of April 20, 1966 from the Committee on Reappraisal for Advancement and Promotion, proposing utilization of the "Point System" for assignment of office space (among other things). While the intrinsic merit of that latter proposal, and the tremendous amount of time and serious consideration that went into its formulation, has never been formally recognized by this faculty, recent proposals by other faculty members on this and other campuses suggest that it may indeed rise to confront this faculty again in the not nearly enough distant future. Meanwhile, a makeshift policy of assigning office space has failed to totally eradicate the unseemly scramble for desirable office space, to say nothing of the confusion engendered. It seems essential, therefore, that any new building be designed to avoid such problems.

Proposal

Your committee has given earnest thought to the problem, and has even journeyed at personal expense to campuses such as Illinois and Florida where new law school buildings have incorporated the principle that all faculty offices should be of the same size and design. The Florida plan, however, suffers from the fact that some offices are on the North and some on the South side of the building—thereby creating obvious differences and degrees of desirability, and the easily envisioned resultant problems. While Illinois, wisely, built all offices facing South, it nevertheless has problems created by the fact that views over trees (or lack of trees) offer differing vistas and desirability, plus the fact that certain offices have, collectively or separately, greater propinquity to the water cooler, or the restroom, or the Dean's office or the elevator.

To avoid this problem, your Committee proposes that the new building shall be built around a central core structure which will house the water cooler, the "johns," the Dean's office (as well as other administrative offices), the elevator and the Faculty Library. Built to revolve around this central core will be a rotating circle containing equal (pie-shaped) faculty offices. This "outer circle" of faculty offices will revolve (approximately once every 80 minutes for the full circle) around the "Central Administrative Structural Edifice—commonly known as the "Case" and the "case method" will thus be effectively confined to the administrative and library functions (as distinguished from teaching personnel). Equality (to the extent achievable in an imperfect world) will be attained by assigning each faculty member equal office space, with equal access to the water-cooler, "johns" (or "janes"), "Deans office" and elevator (and perhaps the Committee might give consideration to the question of whether the sequence should permit access to the Dean's Office before the "john" thus permitting a somewhat more logical progression).

The proposal is not entirely free of difficulties which can be suggested by any law faculty—but it is suggested that at least it represents an innovative turn for the better. Recognizing that the needs of the various faculty members may vary, space may, perhaps, be assigned (or the turns programmed) to recognize priority needs in various areas. Further recognizing that the present
Resolution of the U-M Law School Faculty on the Death of Alan N. Polasky

Alan Norman Polasky, Professor at the University of Michigan Law School, died suddenly on July 22, 1976 at age 52. Having come to Ann Arbor in 1957 after training in accounting and in law at Iowa and teaching experience at Northwestern and Yale, he had been a dynamic member of the Michigan faculty for nineteen years.

More than most, the life of Alan Polasky is hard to capture in words. The variety of his interests and skills and the many facets of his personality gave his life memorable impact on his school and on his profession.

Blessed with a quick mind, Alan brought to his work a concern for exactness and detail. Given this bent, it is not surprising that his service in World War II was that of a B-24 navigator, that his collegiate training and first professional experience should be that of an accountant, and that his specialties in the law included taxation, estate planning, and accounting. Highly skilled in all his fields, his principal eminence was in estate planning. As his colleagues, we all benefited by the distinction he brought to himself and to his school.

In the pursuit of his professional interests, Alan was a driven man. Few law teachers have been more diligent in the discharge of their academic duties. But his great activity extended beyond the law school environment. A nationally known lecturer, he addressed meetings and conferences from coast to coast. No group was too small, no location too remote for him to agree, gladly, to make a speech on pour-over wills or on some labyrinthine provision of the Internal Revenue Code. And if a moderator failed to keep a program on schedule, leaving Alan, the climactic speaker, with an abbreviated time, Alan simply used his rapid-fire delivery to present the hour-long speech in the fifteen minutes granted him. However work-burdened he was, he came alive on his speaking trips.

Alan had an enormously active and inventive sense of humor. Many among us, even after twenty years with him, were still uncertain as to whether a particular proposal or piece of news was offered seriously or in jest. A collector of anecdotes and inveterate punster, Alan created intricate spoofs that were classics, such as his proposal of, and elaborate justification for a regressive tax system.

In keeping with the popular image of creative people, Alan kept a disorderly office. A collector of books, journals, reprints, and advance sheets that might—someday—be of some use in his work in evidence, or in estate planning, or in income taxation, or in accounting for lawyers, he created pile after mountainous pile of papers. As legendary as was the disorder, equally legendary was his ability to retrieve a desired item when a colleague asked for it.

An important measure of a man’s life is the extent to which he has served others. In addition to Alan’s training of thousands of students, he was active in professional organizations (for example, having served as Chairman of the American Bar Association’s Section on Real Property, Probate and Trust Law), in the cause of law reform (he was consultant to the American Law Institute’s estate and gift tax project which led to the major revisions of that area in the Tax Reform Act of 1976, and he testified before Congress on numerous statutory proposals), and in continuing legal education (he was a frequent faculty member of the National Trust School, Practising Law Institute, and Michigan’s Institute of Continuing Legal Education, to name a few).

Alan gave of himself unstintingly. He cared about his students, whether they were undergraduate law students or experienced practitioners at a conference. After formal sessions, he liked to gather with small groups over coffee and continue a wide-ranging discussion.

Gentle and good-hearted, he was also vulnerable. The student disaffection in the 1960’s troubled him greatly. Indeed, the sense of rejection that he felt explained the frequency with which he refreshed himself with practitioners, whose language he spoke and whose problems he understood as well as any American law teacher.

This humane man, this brilliant man, this superbly professional man, this complex and useful man enriched our lives and served our school with high distinction. We are poorer without him. But we are rich in his memory and grateful for his life and his influence on us all.