

# Armed with More Than a Red Pen: A Novice Grader’s Journey to Success with Rubrics

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## Introduction

Armed with a red pen, I embarked on one of the most nerve-racking experiences of my life: grading memos! After grabbing a memo from the toppling stack of memos on my desk, my pen hovered over the student’s typewritten words. Sweat glistened on my forehead as my pen tentatively scratched “missing heading” upon the smooth paper. At that exact moment, my worst fear as a first-year teacher came true. I realized I had no idea what I really wanted to write on the memo at all. What was I looking for exactly? What types of comments lead a student to see the error of her or his ways and sidestep those errors in the future? How do I limit my comments so that the student does not become overwhelmed and discouraged? How many points are strong topic sentences really worth? How many points should be deducted for spelling my name wrong? How can I ensure that my grading is consistent? And, how can I mark meaningful comments on 60 memos and distribute such memos before the students forget about the assignment completely?

These questions kept bubbling in my brain. To conquer my grading, I clearly needed to be armed with more than just the ubiquitous red pen. My husband, who was taking graduate education courses, actually gave me the rest of my arsenal in response to a nightmare. For each of the three nights following my first attempt at grading, I woke my husband with a shriek. For the first two nights, my husband was sympathetic to my nightmare, which included drowning in an ocean of memos as my students watched gleefully from a jury box suspended in the air. After the third night, my

husband muttered, “Why don’t you just use a rubric and start grading already?”

So, I threw away my red pen for a more student-friendly purple pen, and after a hesitant start, I began my grading journey armed with a rubric.<sup>1</sup> This article will define rubrics, discuss the creation of rubrics, and address the concerns regarding the use of rubrics. Also included are insights I gleaned from the experience of grading my first stack of memos.

## Definition

Rubrics are “detailed written grading criteria, which describe both what students should learn and how they will be evaluated.”<sup>2</sup> Rubrics have been used by instructors in primary education and are increasingly gaining a foothold in higher education.<sup>3</sup> Even at the 2005 Annual Meeting of the Association of American Law Schools (AALS), the use of rubrics was discussed.<sup>4</sup>

## Creating Rubrics

The first step to creating a rubric is to decide the form for the rubric. While rubrics have no set form, they are generally created in a chart format. The chart indicates the specific skills to be assessed and

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<sup>1</sup> Some educators have become concerned about the psychological harshness of using red ink to mark errors. Such educators are increasingly using purple ink. See Naomi Aoki, *Harshness of Red Marks Has Students Seeing Purple*, Boston Globe, August 23, 2004, at A1; Karen Bair, *Purple Pens Get a Wealth of Praise from Teachers*, Herald, Rock Hill, S.C., September 13, 2004, at 1.

<sup>2</sup> Sophie M. Sparrow, *Describing the Ball: Improve Teaching By Using Rubrics—Explicit Grading Criteria*, 2004 Mich. St. L. Rev. 1, 6.

<sup>3</sup> For discussion of the pedagogy behind rubrics, see Sparrow, *supra* note 2. Such discussion is beyond the scope of this article.

<sup>4</sup> Sophie M. Sparrow presented “Creating Rubrics, Practicing Discreet Skills, and Taking Time to Reflect” during the Teaching Methods session at the 2005 AALS Annual Meeting in San Francisco, California, on January 8, 2005.

“How do I limit my comments so that the student does not become overwhelmed and discouraged?”

displays the range of possible responses. Rubrics can also be created in the form of a list. For legal writing, I favor rubrics in the form of a chart. Since the chart describes the range of responses, the student can review the specific skills assessed and her or his current level of skill mastery.

Some of the most helpful resources to create a rubric can be found on the Internet.<sup>5</sup> While many resources are geared toward instructors of younger learners than law students, guidance can nonetheless be divined from such resources.<sup>6</sup> I have included a complete open universe office memo rubric at the end of this article.

After the form is decided, the skills that will be assessed must be listed. If the chart rubric is used, the instructor must also define the range of responses. To describe the skills to be assessed, I list all the components of the assignment, such as the sections in a memo. Skills generally are exclusive to certain components. If a component encompasses multiple skills, I subdivide the component. I also include citation, style, and grammar mechanics as separate components. For example, for the closed universe memo rubric, I list the following components: format and heading, question presented, brief answer, statement of facts, large-scale organization of the discussion, small-scale organization of the discussion, analysis in the discussion, conclusion, research, citation, style, and grammar mechanics. For each component, I create responses for each of the following categories: highly proficient, proficient, acceptable, and unacceptable.<sup>7</sup>

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<sup>5</sup> Performing an Internet search locates many Web sites. The following are helpful Web sites that I visited: <rubistar4teachers.org> (permitting teachers to generate rubrics for free); <www.technology.com/web\_tools/rubrics/> (permitting teachers to generate rubrics for free, primarily for younger learners); <www.rubrics.com> (selling rubric software); and <www2.gsu.edu/~mstnrhx/457/rubric.htm> (providing examples of rubrics).

<sup>6</sup> For a description of the use of rubrics in the law school setting, see Sparrow, *supra* note 2.

<sup>7</sup> I adopted these category names from Sparrow, *supra* note 2. These categories roughly correlate to the letter grades A, B, C, and D. I find the descriptions to be more meaningful to students than the letter grade label.

Then, the points must be allocated. Rubrics offer two alternatives. Each component can be weighted equally. For example, using a 100-point scale, if the rubric contains 10 components, each component is worth 10 points. However, under such a system, components assessing straightforward skills, such as format, may be disproportionately weighted compared to components involving complicated skills, such as analysis. Alternatively, each component can be weighted depending on the value the instructor places on the mastery of particular skills. For instance, four points could be allocated to the format. Eleven points could be allocated to the analysis in the rule application section of the discussion.

After the point allocation for each component is established, the point scale within each component should be established. Points can be divided equally. For example, if the conclusion is worth four points, a highly proficient performance will earn four points, a proficient performance will earn three points, an acceptable performance will earn two points, and an unacceptable performance will earn zero to one point. However, the point scale may also be divided unequally on a sliding scale. For example, for the large-scale organization of the discussion section of an office memorandum, a highly proficient performance could earn 10 points, a proficient performance could earn eight to nine points, an acceptable performance could earn five to seven points, and an unacceptable performance could earn zero to four points.

Rubrics can be modified as the semester progresses. New components can be incorporated in the rubric. As the students' mastery of skills increases, point allocation can be modified. For example, the large-scale organization of the discussion may be worth 12 points for the first assignment when students are focusing on this skill but be worth only eight points for the third assignment when most students have grasped large-scale organization.<sup>8</sup>

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<sup>8</sup> For a discussion of how rubrics can be used for substantive courses, see Sparrow, *supra* note 2.

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Once the rubric has been drafted, the next step is to share the rubric with colleagues. The instructor can ascertain whether she or he has included all the relevant material and has realistic expectations of student responses.

While rubrics are typically distributed to students only with the graded assignment, draft rubrics can be distributed to the students when the assignment is actually assigned. These draft rubrics identify the skills that will be assessed, but may not detail specific content, such as the specific authorities that should be used for an open universe memorandum. The instructor should stress that the rubrics may be modified during the grading process. (This should also be written in bold in the heading of the draft rubric.) Even if the rubric is modified during the grading process, the draft rubrics provide a helpful checklist for the student. Without the draft rubric, first-year students, who are bombarded with new skills, may not recognize the skills that the instructor will be assessing. The point allocation on the draft rubric helps time-pressured first-year students budget their time. If the cover page of the appellate brief is worth four points and the large-scale organization of the argument section is worth 10 points, a student can budget the time she or he devotes to each component appropriately.

### Concerns Regarding the Use of Rubrics

While I have found rubrics to be invaluable, the use of rubrics does raise some concerns. One objection that I have received from a colleague is that the underlying assumption of rubrics is false. Grading cannot be quantified. However, grades are earned based on the student's mastery of skills covered in class and the assigned material. For example, one student begins the discussion section of an office memorandum with an overview paragraph identifying the relevant standard and uses clear, strong topic sentences and transitions to guide the reader through the discussion. However, another student fails to clearly identify the relevant standard in the discussion section and uses weak topic sentences and ineffectual transitions that distract the reader from the material. There is a quantifiable difference between the two students' performances.

Grading should not be subjective but as objective as possible to measure a student's performance. Rubrics help both the instructor and the student adhere to a scale.

I acknowledge that rubrics are somewhat formulaic. However, rubrics ensure grading consistency and further the aims of a first-year writing course. The goal of any basic writing is to teach students the conventions. If the student does not learn the rules, the student cannot break them effectively. Moreover, rubrics do not eliminate individual comments. Rubrics simply eliminate the need to write comments appearing on the rubric. The instructor then personalizes comments on the assignment. As a result, the student will not receive an assignment with so many comments that she or he will be overwhelmed by the red-ink-saturated assignment.

Rather than being juvenile as claimed by some critics, rubrics are appropriate for law students. Rubrics make student conferences more productive. With a rubric in hand, the student does not simply state that she or he is an "A" student because she or he has always earned an A on undergraduate research papers. Instead, the student can acknowledge disappointment and then focus on a concrete discussion of the skills that should be improved on the next assignment. In addition, higher education has often included concepts from the rubrics. For example, my father, a university chemistry professor, informs his students of the specific skills an exam will assess. On the exam, he lists the number of points an exam question is worth. This is similar to the goals of the distribution of a draft rubric.

Another concern about rubrics is the amount of time required to create a rubric. While some time must be spent creating the rubric, such effort forces the instructor to evaluate the assignment and crystallizes her or his expectations for the assignment. The instructor is forced to determine what specific skills the student should demonstrate. In addition, the instructor must consider whether demonstration of skills learned in previous assignments should be modified.

## Conclusion

Only with the help of rubrics was I able to successfully complete my grading journey. The students' memos were returned within three quick weeks, and I have never had to either inundate my students with red-ink-saturated memos or have the nightmare about drowning in an ocean of memos ever again.

“Only with the help of rubrics was I able to successfully complete my grading journey.”

### Sample Open Universe Office Memo Rubric

|                           | Highly Proficient   | Proficient  | Acceptable   | Unacceptable  |
|---------------------------|---|---|--|---|
| <b>Format and Heading</b> | Stapled, double-spaced on 8½" by 11" paper, 12-point Times New Roman, page numbers in bottom center of each page (other than the first page); memo has all required sections in the correct order; heading has all required sections, and subject line is brief.<br>4 | Format and heading conform to most of the highly proficient criteria.<br>3  | Format and heading conform to some of the highly proficient criteria.<br>2   | Format and heading conform to few of the highly proficient criteria.<br>2   |
| <b>Question Presented</b> | Is written in the form of a question, is general, and can be understood in one reading; reference to relevant law is neither too broad nor too narrow; correctly identifies relevant legal principle; includes key facts.<br>4  | Is written in the form of a question, is general, and can be understood in one reading; one of the following is incorrect: reference to relevant law is neither too broad nor too narrow; correctly identifies relevant legal principle, and includes key facts.<br>3 | Is written in the form of a question but is either not general or cannot be understood in one reading; two of the following are incorrect: reference to relevant law is neither too broad nor too narrow; correctly identifies relevant legal principle, and includes key facts.<br>2              | Is written in the form of a question but is either not general or cannot be understood in one reading; reference to relevant law is either too broad or too narrow; relevant legal principle is not identified; missing some key facts.<br>1–0  |
| <b>Brief Answer</b>       | Starts with short answer; followed by brief explanation; no reference to authority.<br>5  | Starts with short answer; followed by somewhat lengthy explanation; no reference to authority.<br>4–3   | Starts with short answer; followed by lengthy explanation; includes reference to authority.<br>2   | Does not start with short answer; followed by lengthy explanation; includes reference to authority.<br>1–0  |
| <b>Statement of Facts</b> | Includes all legally relevant facts, relevant background facts, emotionally relevant facts, and unknown facts; excludes unnecessary facts; does not include legal conclusions; objective tone used throughout.<br>6   | Includes most legally relevant facts, relevant background facts, emotionally relevant facts, and unknown facts; excludes unnecessary facts; does not include legal conclusions; objective tone used throughout.<br>5–4  | Includes some legally relevant facts, relevant background facts, emotionally relevant facts, and unknown facts; includes most of the facts applied in the rule application section; excludes some unnecessary facts; includes some legal conclusions; objective tone not used in instances.<br>3–2 | Does not include many of the legally relevant facts, relevant background facts, emotionally relevant facts, and unknown facts; does not include many of the facts applied in the rule application section; does not exclude unnecessary facts; includes many legal conclusions; objective tone not used in many instances.<br>1–0 |

|  | Highly Proficient   | Proficient   | Acceptable  | Unacceptable  |
|--|---|--|---|---|
| <b>Discussion<br/>Large-Scale<br/>Organization</b>   | Begins with overview paragraph identifying governing rule; structure of discussion obvious through clear, strong topic sentences; well-constructed paragraphs are appropriate length; effective transitions used.<br><br>12–11                                  | Begins with governing rule; structure of discussion is clear through topic sentences; well-constructed paragraphs are appropriate length; transitions used somewhat effectively.<br><br>10–8 | Begins with governing rule; structure of discussion is not clear because of weak topic sentences; some paragraphs are well-constructed and appropriate length; some transitions used.<br><br>7–3                            | Does not begin with governing rule; structure of discussion is not clear because of extremely weak or nonexistent topic sentences; few paragraphs are well-constructed and appropriate length; few transitions used.<br><br>2–0 |
| <b>Discussion<br/>Small-Scale<br/>Organization</b>   | IRAC strictly adhered to (identifies rule; examines rule in relevant authorities; rule applied to the facts; arguments/counterarguments presented).<br><br>15–14  | IRAC is not strictly adhered to in a few instances.<br><br>13–10   | IRAC is not adhered to in several instances.<br><br>9–4   | IRAC is not adhered to in many instances.<br><br>3–0  |
| <b>Discussion<br/>Analysis<br/>Rule and<br/>Authorities</b>                                      | Clearly identifies relevant authorities; accurately handles authorities throughout; fully examines all of relevant authorities (for cases include key facts, court’s holding, and the court’s reasoning); judicious use of quotes.<br><br>11–10                 | Meets almost all of the highly proficient criteria.<br><br>9–7   | Identifies relevant authorities but not clearly; misstates authorities in some instances; fully examines some of the relevant authorities; overuses quotes.<br><br>6–3  | Does not clearly identify relevant authorities; misstate authorities in several instances; does not fully examine most of the relevant authorities; uses quotes and parentheticals as a substitute for analysis.<br><br>2–0     |
| <b>Discussion<br/>Analysis<br/>Rule Application<br/>Arguments<br/>and Counter-<br/>arguments</b> | Thoroughly and clearly demonstrates how the authorities and facts relate; Includes <i>many</i> analogies/distinctions that are explicit and obvious; authorities and facts are used to support insightful and creative arguments/counterarguments.<br><br>11–10 | Meets almost all of the highly proficient criteria.<br><br>9–7   | Demonstrates how the authorities and the facts relate; includes <i>some</i> analogies and distinctions that are not explicit and obvious; authorities and facts used to support some arguments/counterarguments.<br><br>6–3 | Does not demonstrate how the facts compare to the rules and precedent; includes <i>few</i> analogies and distinctions; arguments/counterarguments are not supported by authorities or facts.<br><br>2–0                         |
| <b>Research</b>  | Includes <i>all</i> required sources; additional sources used effectively.<br><br>12–11   | Includes <i>most</i> required sources; additional sources used effectively.<br><br>10–7  | Includes <i>some</i> required sources and additional sources are used effectively; or includes <i>most</i> required sources but fails to use additional sources effectively.<br><br>6–3                                     | Includes <i>few</i> required sources; few or no additional sources used effectively.<br><br>2–0   |

|                                    | Highly Proficient  | Proficient  | Acceptable  | Unacceptable   |
|------------------------------------|--|---|---|--|
| <b>Conclusion</b>                  | First sentence clearly predicts the outcome; reasons supporting prediction are summarized in one paragraph; does not include reference to authority.<br>4  | First sentence clearly predicts the outcome; reasons supporting prediction are summarized in more than one paragraph; does not include reference to authority.<br>3 | First sentence predicts the outcome; reasons supporting prediction are elaborately discussed or "new" information included; does not include reference to authority.<br>2 | First sentence does not predict the outcome; reasons supporting prediction are elaborately discussed and "new" information included; includes reference to authority.<br>1–0 |
| <b>Citation Format</b>             | All citations (including full citations, short citations, correct reporter used, use of pinpoints, use of signal, use of <i>Id.</i> , and typeface) are accurate.<br>6   | Most citations accurate.<br>5–4   | Some citations accurate.<br>3–2   | Most citations inaccurate.<br>1–0  |
| <b>Use of Citations and Quotes</b> | All non-original ideas attributed to appropriate source; quotes are accurate; all direct quotes of less than 50 words surrounded by quotation marks; all direct quotes of more than 50 words are blocked.<br>4 | Most non-original ideas attributed to appropriate source; quotes are accurate and correctly cited.<br>3   | Some non-original ideas attributed to appropriate source; quotes are accurate; most quotes are correctly cited.<br>2  | Few non-original ideas attributed to appropriate source; some quotes are not accurate; some quotes are correctly cited.<br>1–0   |
| <b>Writing Style</b>               | Uses active voice throughout; unnecessary words eliminated and legalese avoided; word choice precise and concise throughout.<br>4  | Uses some passive voice; contains some unnecessary words or legalese; word choice is mostly precise and concise.<br>3   | Uses lots of passive voice; contains unnecessary words or legalese; word choice is sometimes awkward.<br>2  | Uses solely passive voice; unnecessary words or legalese used throughout; word choice is often awkward.<br>1–0   |
| <b>Writing Mechanics</b>           | Grammar correct throughout; no typos.<br>2   | Few grammar errors; few typos.<br>1.5   | Several grammar errors; some typos.<br>1  | Many grammar errors; numerous typos.<br>0.5–0  |

**Total Points:** \_\_\_\_\_ / 100

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