As stated in the syllabus, 10% of your grade will consist of points for class preparation. Half of those points, as outlined in the “Present and Prepared” section below, will be based on class preparation and participation throughout the semester. The other half will be awarded for completing a required in-class presentation.

I. Present and Prepared Policy: 5%

Our class will operate under a “Present and Prepared Sign-In Policy.” The policy gives explicit credit for classroom preparedness. It also should decrease your anxiety about coming to class unprepared, so long as you don't do it more than 20% of the time.

The policy will work as follows. Starting Thursday, August 25, I will place a copy of the seating chart at the front of the room. If you are present and prepared to be called on, you may circle your name on the chart. You will then be counted as “present and prepared,” (p&p) for that day, whether I call on you or not.

If you are p&p for at least 80%, which is 22 or more, of our regularly scheduled classes, then you will automatically get three out of ten of the points assigned to in-class participation.

If you do not feel adequately prepared but want to attend class, you may come to class and not circle your name. However, you may not sign up as p&p after a class has begun and you have taken your seat. If you arrive late, but no later than five minutes after the class has begun, you may sign up as p&p, but for you to do so will require you to interrupt me and the rest of the class to sign the seating chart. So please be on time.

**There is a serious penalty for being caught bluffing.** If you sign up as p&p and I call on you and you are not prepared, I reserve the right to reduce your grade by up to five points (i.e., the total number of points you would have gained by being p&p 80% of the time, plus the two discretionary points for outstanding in-class
contributions, mentioned below.) The penalty may sound harsh, but recall that you can attend six classes without circling your name and still meet the 80% requirement. Moreover, you can choose to attend every single class without being prepared and only, as a formal matter, lose five points. So there is ample room in this policy for you to make the choices that suit your needs without attempting to cheat the system. If you try nonetheless, I will not only be extremely disappointed in you, I will exercise my option to lower your grade.

To be prepared, you must have read the entire assignment and made a good faith effort to think about the issues and answer, at least preliminarily, questions asked in the material. I am not seeking perfect answers, but you must be willing and able to discuss the reading. Also, you must be prepared to discuss all of the material that has been assigned but not yet covered. This includes material that we haven’t covered from previous assignments, plus new materials for that day.

Please realize that the final grades in the class must conform roughly to the law school’s historical median and mean grades. I anticipate that most of you will take advantage of the p&p policy. If this is the case, the raw exam and paper grades will have to be lowered in order to leave room for the p&p adjustments. Therefore, if you choose not to be p&p for at least 22 classes, you will be penalized. If most of you do not participate in the p&p policy, then those of you who do will benefit. In sum, there is no disadvantage to participating and the possibility of a distinct disadvantage if you do not.

I will also recognize outstanding contributions to class discussion by awarding up to two additional points.

II. In-Class Presentations: 5%

Each of you will be required to do an in-class presentation during the second half of the semester. The presentation will be based on our reading assignments, and will require you, essentially, to act as professor/discussion leader for the day. No outside reading will be required, although supplemental preparation may be rewarded.
Feel free to ask me questions about this policy. I look forward to your feedback during and at the end of the semester.