

In June 2012, the Faculty of Law approved a new grading system for the JD Program. The new, modified pass/fail system came into effect for JD students starting law school in September 2012 and later. Students who started law school before 2012 continued to be graded according to the pre-2012 system, which was essentially a fully letter graded system.

- During the 2012-2013 year, first year students were graded under the new system, while upper year students continued to be graded on the more traditional letter grade scale.
- During the 2013-2014 year, first- and second year-students were graded with the new system, while the third year students continued to be graded under the system that was in use when they commenced their studies.
- Starting September 2014, almost all JD students have been graded according to the new system.
- Students who commenced the JD program prior to September 2012, and are still at the faculty due to being in extended programs or due to leaves of absence, were and will continue to be graded according to the former grading system.

Following are

- (1) an explanation of the pre-2012 grading system, and
- (2) a series of FAQ's about the transition.

(1) Pre-2012 grading system

Grade Distribution

The Faculty does not have a required grade distribution, but does have a required average. All large courses are marked according to a 'B' average. First year mid-size sections and small groups and upper year seminars are marked to a 'B+' average. In exceptional circumstances, instructors are allowed slight deviations from the standard average.

Pre-2012 Faculty of Law Grading Policy and Scale	
Letter Grade Scale	Numerical Scale of Marks
A	80-100%
B+	75-79%
B	70-74%
C+	65-69%
C	60-64%
D	50-59%
F	0-49%

When law marks are reported numerical values and grade point values will not be disclosed. Students receive only a letter grade for each subject and if applicable an overall standing of A (Honours).

(2) Questions and Answers Regarding the Transition:

Why did the law school make this change?

The aims of the new system include: (1) to provide more informative feedback to students, and (2) to enhance the information value of our transcripts for employers, courts and graduate schools. The new system will also promote greater consistency in the distribution of grades from one course to another.

How will the new system benefit students?

It is to our students' advantage if transcripts contain useful and accurate information about their performance, including their performance relative to their peers. The introduction of distributional guidelines enhances consistency in the distribution of grades from one course to another and increases the information value of our transcripts.

In changing the labels we use to describe student performance, we also aim to convey to students and to external readers of their transcripts that the grades assigned under the system indicate a student's performance in a group of excellent students. To produce work "in the middle" of that group is a strong performance. The new system rewards the largest number of students with a respectable "Pass with Merit" grade, while still identifying elite and substandard performances.

Is U of T the only law school doing this?

No. Yale Law School and Berkeley's Boalt Hall have, for decades, had similar grading systems and Stanford Law School and Harvard Law School both adopted related systems in 2009.

How will the Faculty determine who earns "with distinction" standing under the new system?

Students' results will be aggregated for class rank purposes by assigning points to each grade (HH = 5, H = 4, P = 3, LP = 1, F = 0). Ties for standing prizes (e.g., for the Faculty's gold and silver medals) would be resolved in favour of students who have won a greater number of course prizes or, in the case of a remaining tie, in favour of students whose course prizes comprise a greater number of credit hours.

Will the new system affect students' employment/clerking/grad school prospects?

We hope that, by improving the information value of our transcripts, the new system will make our students and graduates that much more desirable to employers. The Career Development Office will work hard to make sure that employers understand the new system and to draw attention to the academic strength of our students.

How does the distribution of grades work under the modified honours/pass/fail system?

Pass with Merit will be the grade given most frequently. Pass with Merit is a solid mark that indicates strong performance in a course. The distribution of grades in any course, examination or other academic assessment is not predetermined by any system of quotas that specifies the number or percentage of grades allowable at any grade level. However, the administration has provided guidelines to instructors setting out a reasonable distribution of grades in classes of varying sizes. These guidelines are flexible in that they set forth a range of possible distributions, with smaller classes having more flexibility than larger ones. The Faculty requests an explanation when the grades for a course do not fall within those ranges, and a Faculty Committee determines whether the variance is justified.

I will be starting law school in September 2012. What does this mean for me?

If you are an incoming first-year student in 2012, you will be graded under the new system. If you are a transfer or letter of permission student, you will be graded under the old system.

What happens to students who are in combined programs?

As usual, students in combined programs will receive two sets of results: one from the Faculty of Law, and one from the other program. For students starting at the Faculty of Law in 2012 and later, their law school results will reflect the grades used in the new system.

What happens to students who take leaves of absence?

Students starting at the Faculty of Law in 2012 or later will be graded under the new system. Taking a leave of absence will have no impact.

Will students still be able to take some courses under an H/P/F system? How does the new system affect courses like journals, moots, and clinics that are already graded on a H/P/F system?

Students starting law school in 2012 and later will be graded under the new system for all courses, including those currently using an H/P/F system. Students starting law school before 2012 are grandfathered under the old grading system.

How does the new system affect U of T students going on exchange?

The change will have no impact. While away, students are graded according to the host university's system.

How does the new system affect students coming to the Faculty of Law on exchange or letter of permission?

The new system will not apply to exchange or letter of permission students until September 2014. Until then, incoming exchange and letter of permission students will be graded on the old system.

I will be graduating from the law school in 2013/14. How does this affect me?

It does not. You will continue to be graded under the old system.

I will be graduating in 2015 with a JD/MBA. What does this mean for me?

You started your law degree before 2012. That means that you will continue to be graded under the old system.

I am an upper year student and I want to switch to the new grading system. Is this possible?

Unfortunately, no. After much consultation with faculty and current students on this issue, we decided to grandfather all upper year students into the old system.

How was the decision made? What process was used?

Starting in 2009, an advisory working group engaged in a review of the law school's grading of students in the JD program. The ambition of the working group was to understand how the current grading system operates in the JD program, both on its own terms as well as in comparison to other law schools. Based on this understanding, the working group proceeded to consider reforms that would improve the law school's grading system and practices.

There were three main elements to the working group's review:

1. **A review of grading systems at peer law schools throughout North America, including eight American law schools and five Canadian law schools.**
2. **A data-driven assessment of our own grading practices at the Faculty of Law to ensure that the working group had an understanding of how our current grading system operates.** To this end, the working group assembled complete grading data from all the first year classes matriculating from September 2003 to September 2008.
3. **Consultation with faculty members and students.** The committee charged with reforming the grading system spoke with their colleagues throughout this process. The Dean presided over several faculty discussions, and solicited feedback after each session.

Much of the student consultation was informally conducted in conversations with students by members of the working group, although there was a formal consultation meeting with the Academic Caucus of the Students' Law Society in March 2010. Throughout the summer of 2011, there were discussions with the incoming President of the Students' Law Society. There was another meeting with the academic caucus of the Students' Law Society in September, 2011. This, in turn, led to an informational town hall meeting that was open to all students in October, 2011, at which the Associate Dean outlined the details of the proposed grading system, explained the motivation for changing the grading system, and responded to numerous student questions.

What happens in the 2013-2014 school year, when we have the current 1L class taking classes with the current 2L class (at that stage it would be 2L's and 3L's, respectively). Will a professor in a course like Business Organizations mark some students on an A-F scale, and some on an H-F scale?

In 2013-14, upper year students will be marked on 2 different systems. This is the result of grandfathering upper year students into the pre-2012 system, which we did in response to student opinion on the issue. Marking students in the same class on two different systems will be more complicated for faculty, but they have agreed that it is better than having students with mixed transcripts, and they are willing to accept the cost.