

MEET THE MODULE BUILDING TEAMS: CONTRACTS AND TORTS



Contracts and Torts Modules



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Today's Conversation



General Features

Number of modules

Components and mechanics of these modules

- Problem sets vs. performance tasks
- Professor guide vs. answer sheets
- Grading vs. self-assessment options How to use the modules

Unique features



Lessons Learned From Test Driving the Modules

Student interactions and reactions
Changes made based on student interaction



Questions



Integrated Problem Set: Substance and Skills

Intentional Torts

- Assault
- Battery
- Self-Defense
- Consent

Test Skills

- Critical Reading and Focus
- Issue Spotting
- Recalling Legal Rules
- Evaluating Claims
- Becoming Familiar with NextGen Test Format



To : Associate From: Partner Re: Client Intake

I conducted an intake interview with a new client this morning. Based on what the client told me, I believe there are potential intentional tort claims for both battery and assault. Please review my notes on the client interview and respond to my questions below.

NOTES ON CLIENT INTERVIEW

I met with a prospective client ("Client") to discuss potential claims arising from an altercation that occurred at the Lucky Strike bowling alley. Last Monday, Client was there with a group of ten to twelve friends and family members celebrating his uncle's birthday. Among those present was Client's elderly grandfather ("Grandfather").

According to Client, another group of five or six patrons was occupying the lanes next to them. Client said that the other group was drinking heavily and grew progressively louder and more unruly over time. At approximately 11:00 p.m., one of the patrons in the other group ("Patron") approached Client, holding a bowling ball. Patron accused client of coming too close while Patron was bowling, interfering with Patron's game. Despite attempts from Client and others in the group to resolve the matter peacefully, Patron grew increasingly angry and agitated.

Patron then swung the bowling ball at Client, attempting to hit Client. The bowling ball slipped out of Patron's hands. The bowling ball rolled across the alley, striking the chair on which Grandfather was sitting. As a result, Grandfather fell and struck his head on the floor, causing serious bleeding and a concussion. Grandfather was transported to the hospital in an ambulance and was kept overnight.

Question 1

Based on the facts presented by the client and the rules you identified in your research, evaluate whether your client will be able to establish a prima facie assault claim against the bowling alley patron. Please use IRAC format and put the rules into your own words. Limit your response to 8–10 sentences.

Question 2

Based on the facts presented by the client and the rules you identified in your research, evaluate whether the client's grandfather will be able to establish a prima facie battery claim against the bowling alley patron. Please use IRAC format and put the rules into your own words. Limit your response to 8–10 sentences.

Question 3

What additional information would be helpful in assessing the likely success of the potential claims? (Provide one example)



Building Bar Skills Conference

Integrated Problem Set

I just spoke with Employee at the Lucky Strike bowling alley. Employee is a server at the bowling alley and was serving both Client's and Patron's parties on the night of the altercation. What Employee had to say supplements, and in some significant ways, contradicts what we learned in the client interview. I'm going to meet with Client later today. Please review my notes and respond to my questions below to help me prepare for my meeting with Client.

NOTES ON EMPLOYEE STATEMENT

Employee works at Lucky Strike serving food and drinks to the patrons. Employee was working on the night of the altercation and observed the events closely. Employee served members of both groups, including Client, Patron, and Client's grandfather.

Employee stated that members of both groups were drinking heavily, and Employee believed that both Client and Patron were intoxicated when Client's grandfather was injured.

Employee did not see exactly what precipitated the incident; however, employee saw members of both parties pushing and shoving, and observed Patron and Client yelling at each other and using profanity. Employee saw Patron holding the bowling ball while arguing with Client. However, Employee was unclear whether Patron intended to strike Client with the Bowling ball or whether the bowling ball slipped out of Patron's hands while Patron was gesturing.

Employee stated that the altercation also resulted in property damage at the venue. A tray of glasses Employee was carrying was smashed, a large screen TV was knocked over and broken, and the automatic ball return mechanism for one of the lanes was damaged, requiring costly repair. Employee stated that the owners of Lucky Strike were upset about the incident and damages, but currently planned no action against Client or Patron because the venue wishes to avoid additional publicity about the altercation.

Building Bar Skills Conference

Question 4

In what way does the Employee's statement impact the evaluation of the likelihood Grandfather can satisfy all the elements of a claim for battery? [Do not discuss defenses]

Question 5

Assuming Employee's statements are accurate and truthful, what is one defense Patron could raise? What facts must Patron establish to prevail on the defense?

Question 6

If the client's grandfather were to assert an assault claim against the patron, which of the following statements of fact, if true, would be the most favorable to the patron? **Select one.**

- (A) The patron had a close personal relationship with the client's grandfather and would never intentionally do anything to scare him.
- (B) The grandfather could have avoided injury if he had seen the ball coming and moved out of the way.
- (C) The grandfather is nearly deaf and was engrossed in the football game playing on the bowling alley television when the ball struck his chair.
- (D) The patron did not intend to strike the client with the bowling ball, but instead, to startle her.

Question 7

Are there any additional issues I should raise with Client in relation to the advisability of bringing a claim against Defendant? (Identify one issue)

Exercises and Samples – More Than a Rubric

- Critical Reading Exercises
- Color-Coding Exercises
- Sample Answers by Level
- Student Rubrics

Step 1: Highlight each element of the basic/top level/general rule in a different color. If the rule includes subrules, highlight each subrule in a color that corresponds to the relevant element of the general rule. The pattern of color in the general rule should repeat no more than once (i.e., all subrules related to a particular main rule element should be grouped together), and it may repeat only in part if there are only a few subrules. For example:

An assault is an intentional physical act of a threatening nature or an offer of corporal injury which puts an individual in reasonable fear of imminent bodily harm.

<u>Step 2</u>: For each rule element and subrule, highlight in the same color the corresponding part of the analysis. The colors in the analysis should appear in the same order as the colors in the rule statement(s). For example:

Here, the fact that Patron swung the bowling ball "intending to hit Client" shows intent to conduct a physical act that would result in a corporal injury or make harmful contact because they were in the middle of an altercation, not a friendly discussion. The fact that Client was interacting with Patron when he swung the bowling ball tends to show that Client would have seen the bowling ball coming and so would have had an apprehension of imminent contact.

It's Not Just About What Cases "Say"

Standard of Review

Paragraph 18: States the standard of review

Assault and Battery

Paragraph 19: States defendant's arguments about assault and battery and court's conclusion

Paragraph 20: States assault rules

Paragraph 21: Applies assault rules to the facts; states court's holding on assault

Paragraph 22: States battery rules

Paragraph 23: Applies battery rules to the facts

Paragraph 24: States court's holding as to battery and ultimate conclusion on both claims

It's About What They "Do"



Color Coding Exercises

Integrating Legal Writing Practice

Active Rubric Exercises:

- Helps students identify what statements "do" in their own writing as a tool for teaching how to organize legal writing
- Paired with traditional writing and substantive law rubrics

Example:

An assault is an intentional physical act of a threatening nature or an offer of corporal injury which puts an individual in reasonable fear of imminent bodily harm. A specific intent to threaten the victim is unnecessary if there was intent to do an action that could reasonably be construed as a physical act of a threatening nature or an offer corporal injury. The act must be physical—online threats or mere verbal activities of any nature do not count. The fear must be reasonable, i.e. any other person would have the same fear in similar circumstances. Bodily harm means actual harm or offensive contact. Voluntary intoxication is not a defense to intent. All intentional torts require proof of causation and damages, including damages for medical expenses, lost wages, and emotional distress.

Here, the fact that Patron swung the bowling ball "intending to hit Client" shows intent to offer a corporal injury or make harmful contact because they were in the middle of an altercation, not a friendly discussion. Swinging a bowling ball is a physical act that could cause physical harm. The fact that Client "jumped out of the way" to "avoid being stuck" shows Client's apprehension of imminent contact because they would not have moved in such a way unless they thought the bowling ball was about to hit them. Client's apprehension was reasonable because it is general knowledge that bowling balls are heavy, meant to knock down other objects, and would cause damage if contact were made. The fact Patron was drinking does not nullify his intent because Patron chose to drink that night at the bowling alley. Finally, Client's apprehension of imminent contact resulted directly from Patron's attempt to make contact because Client would not have moved or backed down from the altercation unless they saw the bowling ball swinging at them. Absent evidence of injury, Client is still entitled to nominal damages for the assault unless there is evidence of medical expenses, lost wages, or emotional distress.



Platonic Ideal

 Under the doctrine of res ipsa loquitur (Rule), the Ranch will likely not be found negligent in its saddling of the horse (Result) because man unexpectedly leaned back outside the normal range of the saddle (Reason).

The rules for negligence are as above. Additionally, when a plaintiff cannot demonstrate the elements duty, breach, and causation due to the unavailability of evidence from the defendant on the issue, the plaintiff may still prevail under the doctrine of res ipsa loquitur. This doctrine allows a jury to infer a defendant's breach based on the nature of the accident and the defendant's relationship to the accident. Plaintiff must show the (1) injury is of the kind that does not ordinarily occur without negligence or is uncommon in the course and nature of said act. (2) The injury is caused by an agency or instrumentality within the exclusive control of the defendant. (3) The injury-causing accident is not by any voluntary action or contribution on the part of the plaintiff. (4) The defendant's non-negligent explanation does not completely explain plaintiff's injury.

Here, despite a good faith effort, the Ranch was unable to identify which saddle the man used because it had already been removed from the horse as was their regular practice. So, the man will not be able to obtain evidence of his claim that the Ranch's negligence in fastening the saddle caused his injuries. Under the doctrine of res ispa loquitur then, (1) a properly fastened saddle will not normally tilt and dump the rider, this is especially true for this make of saddle that was designed to remain stable on a horse and not tilt significantly from side to side. So, the only way the man could have fallen off of the horse was if there was some negligence in Ranch's duty to maintain the horses and prepare them for rides by appropriately fastening the saddles. (2) The Ranch was exclusively responsible for maintaining the horses and had already saddled them when the man arrived for the trail ride. No other party touched the saddle prior to the injury. (3) However, the man's action in leaning back was likely partly responsible for the saddle slipping. The saddle was only indicated to be stable from side to side, the traditional motion when a rider is slipping on a horse. A rider would not typically lean back on a horse riding on a flat trail, so there is no reason for the saddles to be designed to prevent such, and it was that action by the man, in conjunction with leaning left, that overwhelmed the tolerances of the saddle. Thus, the man contributed to the harm and there is insufficient evidence to find the Ranch liable for negligence. (4) This explanation could completely explain the harm attributed to the alleged negligent fastening of the saddle, so the doctrine of res ispa loquitur is unsatisfied in this case. There is no evidence of assumption of risk or any other defense to negligence.

Thus, the Ranch will likely not be found negligent for failing to appropriately fasten the saddle.

Sample Answers

Middle of the Road

Under the doctrine of res ipsa loquitur (Rule), the Ranch will likely not be found negligent in its saddling of the horse (Result) because man unexpectedly leaned back outside the normal range of the saddle (Reason).

The rules for negligence are as above. Additionally, when a plaintiff cannot demonstrate the elements duty, breach, and causation due to the unavailability of evidence from the defendant on the issue, the plaintiff may still prevail under the doctrine of res ipsa loquitur. Under this doctrine, Plaintiff must show the (1) injury is of the kind that does not ordinarily occur without negligence or is uncommon in the course and nature of said act. (2) The injury is caused by an agency or instrumentality within the exclusive control of the defendant. (3) The injury-causing accident is not by any voluntary action or contribution on the part of the plaintiff.

Here, despite a good faith effort, the Ranch was unable to identify which saddle the man used because it had already been removed from the horse as was their regular practice. Under the doctrine of *res ispa loquitur* then, (1) a properly fastened saddle will not normally tilt and dump the rider. So, the only way the man could have fallen off of the horse was if there was some negligence in Ranch's duty to maintain the horses and prepare them for rides by appropriately fastening the saddles. (2) The Ranch was exclusively responsible for maintaining the horses and had already saddled them when the man arrived for the trail ride. (3) However, the man's action in leaning back was likely partly responsible for the saddle slipping. The saddle was only indicated to be stable from side to side. A rider would not typically lean back on a horse riding on a flat trail, but it was that action by the man, in conjunction with leaning left, that overwhelmed the tolerances of the saddle. Thus, the man contributed to the harm and there is insufficient evidence to find the Ranch liable for negligence.

Thus, the Ranch will likely not be found negligent for failing to appropriately fasten the saddle.



Building Bar Skills Conference

Sample Answers by Level

Passable

Under the doctrine of res ipsa loquitur (Rule), the Ranch will likely not be found negligent in its saddling of the horse (Result) because man unexpectedly leaned back outside the normal range of the saddle (Reason).

The rules for negligence are as above. Under the doctrine of *res ipsa loquitur*, a Plaintiff can prove negligence on a showing that their (1) injury is of the kind that does not ordinarily occur without negligence. (2) The injury is caused by an agency or instrumentality within the exclusive control of the defendant. (3) The injury-causing accident is not by any voluntary action on the part of the plaintiff.

Here, (1) a properly fastened saddle will not normally tilt and dump the rider. So, the only way the man could have fallen off of the horse was if there was some negligence in Ranch's duty to maintain the horses and prepare them for rides by appropriately fastening the saddles. (2) The Ranch was exclusively responsible for maintaining the horses and had already saddled them when the man arrived for the trail ride. (3) However, the man's action in leaning back was likely partly responsible for the saddle slipping. The saddle was only indicated to be stable from side to side. A rider would not typically lean back on a horse riding on a flat trail, but it was that action by the man, in conjunction with leaning left, that overwhelmed the tolerances of the saddle. Thus, the man contributed to the harm.

Thus, the Ranch will likely not be found negligent for failing to appropriately fasten the saddle.

Students need to see "correct" examples they can identify with

"Perfect" answers are intimidating

At Least It's Complete

Under the doctrine of res ipsa loquitur (Rule), the Ranch will likely not be found negligent in its saddling of the horse (Result) because man unexpectedly leaned back outside the normal range of the saddle (Reason).

Under the doctrine of res ipsa loquitur, a Plaintiff can prove negligence on a showing that their (1) injury is of the kind that does not ordinarily occur without negligence. (2) The injury is caused by an agency or instrumentality within the exclusive control of the defendant. (3) The injury-causing accident is not by any voluntary action or contribution on the part of the plaintiff.

Here, (1) the only way the man could have fallen off of the horse was if there was some negligence in Ranch's duty to maintain the horses and prepare them for rides by appropriately fastening the saddles. (2) The Ranch was exclusively responsible for maintaining the horses and had already saddled them when the man arrived for the trail ride. (3) A rider would not typically lean back on a horse riding on a flat trail, but it was that action by the man, in conjunction with leaning left, that overwhelmed the tolerances of the saddle. Thus, the man contributed to the harm.

Thus, the Ranch will likely not be found negligent for failing to appropriately fasten the saddle.



Sample Answers by Level

Performance Test Rubrics

Full Sample & Structure Explanation

Io: Partner		
From: Associate		
Re: Takai v. State, Proximate Cause	•	Transmittal Statement
The below memo analyzes the cau	ısation issue in the Takai cas	e with specific assessment of the relevanc
and impact of the included cases.		Objective Rule/Result/Reason Heading
I. Under the rules for proxima	ate, legal causation (Rule/R	eference to the Rule) the State is likely no
liable for Takai's addition	al damages, (Result/Task	from the Task Memo) because Rowle
intentionally drove away to	save himself after beginnin	g the attempted medical transport of Taka
(Reason/One Relevant Fact). Overa	rching Rule
To prevail on a negligence claim,	a plaintiff must establish of	duty, breach, causation, and damages. Th
defendant's negligent actions me	ust be both the factual ar	nd legal (proximate) cause of the injurie
sustained. Smitts v. Lambert, Fr. C	t. App. (2019). Courts evalu	uate proximate cause based on the specifi
circumstances of the case. Id.	Standard of Proof	
		General Rule with Initial Definition of

According to the Franklin Supreme Court, it has long been the general rule in determining legal causation that an actor may be liable if negligence is a substantial factor in causing an injury. *Oglethorpe v. Broder*, Fr. Sup. Ct (1972); *Murphy v. Perry*, Fr. Sup. Ct. (2003). The intervening act of a third person, if reasonably foreseeable, does not relieve the negligent party of liability. *Id.* A plaintiff is entitled to recover all damages proximately traceable to the primary negligence including subsequent aggravation which the law regards as a natural result likely to flow from the original injury. *Smitts*. "The foreseeability required is of the risk of harm, not of the particular intervening act." *Oglethorpe*.

Traditional Writing Rubric

 Does my memo include a relevant memo header and introductory statement?
 Does my memo follow the format (header, intro, substance, conclusion) of a legal memo?
 Do I use appropriate "objective" legal language throughout?
 Does my memo accurately introduce the issue(s) the client wants addressed?
 Does my memo include a distinct IRAC for each issue?
 Do I have point headings that are appropriate for the type of assignment (objective)?
 Did I paraphrase the applicable statute or case law rather than copy/paste large chunks?
 Did I start with general rules and then expand upon them with more specific subrules?
 Did I paraphrase the holding and rule from each case that I used?

Notetaking Examples

Directions: Compare your notes/outline to the following sample notes outline and identify three ways you could improve your own notes.

- (4) Murphy v. Perry, Fr. Sup. Ct. (2003).
 - (a) Emergency airlift helicopter crashed was this foreseeable?
 - (b) An actor may be liable if negligence is a substantial factor in causing an injury.
 - (c) The intervening act of a third person, if reasonably foreseeable, does not relieve liability.
 - (d) No Franklin ruling that transportation accidents in route to medical attention are foreseeable.
 - (e) Purdy is persuasive.
 - (f) Illogical to treat medical accidents separately from accidents during transportation.
 - (g) "The original tortfeasor is liable for additional injuries sustained while being transported to a hospital where medical services can be obtained."
 - (h) Negligent maintenance of the transportation (helicopter) is not a superseding cause if the transportation is a normal response to the injury situation (traffic accident) and the negligent maintenance is "not extraordinarily negligent."



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Instructor Guides

Overall Introduction to Module

Introduction to the Assessment Type

Description of Module

- Rules
- Skills
- Assessment Tools (Model Answer, Grading Grid, Instructor Evaluation Rubric, Student Self-Assessment)

Customization Options



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Instructor Evaluation Rubric

Contracts - Module 3 - Performance, Breach, and Damages

Criteria	Excellent	Satisfactory	Developing	Not Present	Points
	(3 points)	(2 points)	(1 point)	(0 points)	Earned
Structure	Used a clear, easily	Used a somewhat clear and	Used a somewhat clear and	Did not use an	
	identifiable IRAC	identifiable IRAC structure	identifiable IRAC structure	identifiable IRAC	
	structure to analyze the	to analyze issues, but not	to analyze the issues, but	structure and	
	issues, separating each	all issues and sub-issues	the issues and sub-issues	headings to analyze	
	issue and sub-issue into	separated into distinct IRAC	were not separated into	the issues.	
	distinct IRAC sections,	sections. Used headings for	distinct IRAC sections to		
	while also using headings	the major issues, but did	clearly discern the analysis		
	for each issue and sub-	not use headings	of each issue or sub-issue.		
	issue.	consistently for sub-issues.	Use of headings and sub-		
			headings are missing or		
			inconsistent.		
Format,	Used a proper format for	Used a proper format for a	Used a proper format for a	Did not use a proper	
Tone, &	a legal memorandum,	legal memorandum,	legal memorandum, but an	format for a legal	
Instructions	providing an easily	providing an overall	overall introduction and	memorandum, with	
	identifiable overall	introduction and	conclusion is undeveloped	no overall	
	introduction and	conclusion to the legal	or missing, may not adhere	introduction or	
	conclusion to the legal	questions, writing in an	strictly to an objective tone	conclusion, not in an	
	questions, writing in an	objective tone, and	throughout, and misses a	objective tone, and	
	objective tone, and	following most of the	few of the instructions by	does not follow the	
	following all instructions	instructions by the	the supervising attorney in	instructions by the	
	by the supervising	supervising attorney for	addressing the legal	supervising attorney in	
	attorney for addressing	addressing the legal	questions.	addressing the legal	
	the legal questions.	questions.		questions.	
Issues and	Clearly and precisely	Clearly identified and	Somewhat identified and	Did not identify and	
Rule	identified and stated the	stated most of the rule	stated some of the rule	state most, if any, of	
Statements	rule statements from the	statements from the legal	statements from the legal	the rule statements	
	legal authorities provided	authorities provided to	authorities provided to	from the legal	
	to clearly analyze each of	satisfactorily analyze each	satisfactorily analyze the	authorities provided	
	the issues and elements	of the issues and elements	issues and elements needed	to satisfactorily	
	needed to resolve the	needed to resolve the legal	to resolve the legal	resolve the legal	
	legal question. The	question. Very little, if any,	question. Overquoting or	questions, including	
	answer provides at least	use of rules from the legal	overuse of the legal	possible use of	
	two rule explanations	authorities unnecessary to	authorities unnecessary to	irrelevant rule	
		resolve the legal issues	resolve the legal issues	statements or law	

Instructor Competency Rubric



Student Self-Eval Parts 3-5

- 3) Competency Rubric (same as for instructor)
- Self-Assessment Reflection Questions
- 5) Next Steps

Part IV: Self-Assessment Reflection

Reflection is a critical component of active learning. It is only after reflecting on what well, and what you would like to improve, that you can come up with concrete le goals and steps for improvement.

1. <u>Preparation</u>: Law school assignments and exams are different from assignments and exa taken in the past, so preparing for them is also different. How well did your materials ar set you up for completing this module? What do you wish you had done differently, or of? Did you use your study time effectively? How well did your materials work for you? wish you had done differently, or done more of?

2. <u>Organization</u>: Did your answer use the same headings as the Sample Answer and/or min of the essay prompts? Why or why not?



NextGen	1L Set		
Common fact scenario; may include some legal resources and/or supplemental documents	✓		
Follow a newly licensed lawyer through a portion of the life of a client matter, asking questions at critical junctures	✓		
Mixture of multiple-choice and short-answer questions	✓		
Tests both doctrine and skills	Tests skills; doctrine provided		
Two subject areas	One subject area		
Two multiple-choices questions, four short answer	Six multiple-choice questions, one short answer		
Three-four questions from Group B (client counseling), the rest may come from Groups A (issue spotting, investigation) and C (legal research)	One question from Group B (client counseling), the rest from Groups A (issue spotting, investigation) and C (legal research)		



Professor Guide

- Exercise description with suggestions how to use it
- Question set with answers and explanations
- Guide to student assessment, including the identification of the skills assessed in each question, how those skills should be applied to reach the correct answer, and suggestions for skills development
 - Question 1: Statute Reading; Issue Spotting; Application of Rule to Facts. This question asks students to dissect the meaning of ... Students who struggle with this question need to work on...

Professor Guide: Example

Question 1: Statute Reading; Issue Spotting; Application of Rule to Facts

This question asks students to dissect the meaning of UCC § 2-201. They should determine that subsection (1) states the main rule, subsection (2) defines an exception to the writing requirement that may be available only when both parties are merchants, and subsection (3) defines three other exceptions that may apply regardless of the parties' status. Students must apply § 2-201 to the facts from the client interview and should be able to identify that the oral agreement is subject to the statute of frauds because the cost of the painting exceeds the monetary threshold in § 2-201(1). Students should also conclude that § 2-201(1) is not satisfied because there is no writing signed by the gallery owner-buyer (i.e., the party trying to avoid the contract). Finally, students need to read closely to understand that § 2-201 does not bar an argument by the client that an oral contract has been formed, but does provide the buyer with a potential defense to enforcement.

Students who struggle with Question 1 need to work on their statute-reading skills, as well as their ability to separate background facts from legally relevant facts by matching facts to the associated parts of the rule. This requires students to understand each subpart of the rule individually and then understand the relationship between the subparts. Students must also understand that when a statute includes both a rule and an exception, they should analyze whether the rule is satisfied before reaching the exception.



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Student Self-Evaluation Guide

- Includes answers and explanations
- Identifies the skills needed to select each correct answer
 - E.g., "If you struggled with Questions 1 and 2 ...work on your ability to separate background facts from legally relevant facts."
- "Moving Forward" sections include tips for practicing these skills and enhance future self-assessment
 - E.g., "... do not ignore any facts. Match each fact to the part(s) of the rule to which it relates. If a fact does not seem to relate to the rule, make a note of that; perhaps the fact will be relevant to an aspect of the rule that is not yet clear."

"Moving Forward" Example

Moving Forward

If you struggled with Questions 1 and 2, work on your statute-reading skills. As you read each part of a statute, make sure you do not ignore any language. Determine the meaning of each subpart individually, and then consider the relationship between the subparts. For example, is one section a general rule, while the other sections are exceptions, as in the statute in this integrated question set? Alternatively, do parts of the statute constitute elements, each of which must be satisfied to meet the rule, or are they factors, which are criteria that should be considered and weighed to determine whether the rule is satisfied? Remember that when a statute includes both a rule and an exception, you should analyze whether the rule is satisfied before reaching the exception.

In addition, you should work on your ability to separate background facts from legally relevant facts. Legally relevant facts are the facts that are key to determining whether and how the rule applies to your fact scenario. To do this, do not ignore any facts. Match each fact to the part(s) of the rule to which it relates. If a fact does not seem to relate to the rule, make a note of that; perhaps the fact will be relevant to an aspect of the rule that is not yet clear.



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Questions or Comments?

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THANK YOU!