



MEET THE MODULE BUILDING TEAMS: CRIMINAL LAW AND TORTS



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Criminal Law and Torts Modules



Jennifer Gregg

Assistant Director of
Academic Success

Ohio Northern University,
Claude W. Pettit College
of Law



Melissa Kidder

Associate Professor of
Law; Director of Legal
Clinics

Ohio Northern University,
Claude W. Pettit College
of Law



Megan Chaney

Professor of Law

Nova Southeastern
University Shepard Broad
College of Law



Carlota Toledo

ASP Professor of Practice

Nova Southeastern
University Shepard Broad
College of Law



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Torts Bar Skills Modules



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Three Torts Modules

Module 1 - Integrated Question Set

Module 2 - Integrated Question Set

Module 3 - Performance Task

- All Modules are designed to be **formative**, not summative, assessments
- All Learning Objectives incorporated specific **Foundational Lawyering Skills** that will be tested on NextGen Bar Exam



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Module 1 – Overview

- Integrated Question Set with Answer Key
- Based on Intentional Infliction of Emotional Distress (IIED)
- Purpose of Module:
 - Issue Identification,
 - Rule Synthesis, and
 - Fact investigation



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Module 1 – Timing

- At the ***beginning of a semester*** to help introduce students to:
 - issue identification,
 - rule synthesis, and
 - fact investigation skills.
- ***Later in the semester*** to evaluate the students' competencies in these skills.
- Students can successfully complete this Module within 45 to 75 minutes



Module 1 – Description



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Students are given a **client intake form** and asked to:

- identify possible **relevant legal issues**.
- research cases focusing on the “extreme and outrageous” **elements** of IIED,
- **synthesize** a rule statement for “extreme and outrageous conduct,” and
- identify **relevant facts** pertaining to the element of extreme and outrageous conduct based on the client intake form

Module 1 – Sample Questions



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Prompt 1

You are a new associate in a medium-sized law firm specializing in general civil litigation.

Your supervising attorney hands you a client intake form for Patty Williams, a new prospective client that the administrative assistant just scheduled for an interview later in the week.

Integrated Question 1

Your supervising attorney asks you to review the client intake form and complete some preliminary research before the client interview.

Based on the information contained in the intake form, which of the following legal issues do you want to research further in relation to the attorney's misconduct?

Select one:

- A. Trespass to chattel
- B. Negligence
- C. Intentional infliction of emotional distress
- D. Assault
- E. Battery
- F. False Imprisonment

Module 1 – Sample Questions



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Module 2 – Overview

- Integrated Question Set with Answer Key
- Based on Negligence
- Purpose of Module:
 - Issue identification,
 - Rule recall and explanation,
 - Factual assessment,
 - Identifying the strengths and weaknesses of a case, and
 - Analysis



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Module 2 – Timing

- At the **beginning of the semester** to review negligence and its related concepts.
- **Later in the semester** to evaluate the students' competencies in the below skills.
- Students can successfully complete this Module in 2 hours



Module 2 – Tasks Review



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Students are asked to:

1. Identify possible relevant legal issues in a **short fact pattern**.
2. Identify whether the state of Orange is a contributory or comparative negligence state based on their **negligence statute**.
3. Identify and briefly analyze negligence **concepts** (e.g., negligence per se and *res ipsa loquitur*).

Module 2 – Tasks Review

(continued)



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Students are asked to:

1. Identify relevant information in **police report** and formulate questions they would ask the client at a consultation.
2. Identify the **strengths and weaknesses** of the client's negligence case and to identify **defenses** after receiving additional information.
3. Give a complete analysis of the **negligence claim**.

Module 2 – Sample Question



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Question 5 (short answer):

Assuming Jackson was going 35mph in a 25mph zone, would Jackson be able to sue the other driver for negligence per se?

Answer:

No, Jackson was the party that violated the statute, therefore he cannot use the violation of the statute as a cause of action against the other driver, who as far as we can tell did not violate any statutes.

Module 3 - Overview

- Performance Task with Guide Questions and Self-Reflection
- Main Objectives:
 - Introduce students to an essential bar exam assessment, and
 - Provide students with an opportunity to perform analysis and writing skills that closely parallel the work of first year associates
- Legal Topic:
 - Strict Liability for injuries caused by an owner's dog



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Module 3 – Timing

- Used ***late semester*** to assess students' ability to complete rule-based reasoning, analysis, and rule synthesis.
- Students can successfully complete this Module within 3-4 hours.



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Module 3 – Components



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- Closed universe assessment based on bar exam performance tests.
- Lawyering Task: Opinion Letter to Client
- Guide with integrated questions that walks students through the file and library.
- A model answer and student self-reflection exercise are provided.

Criminal Law Bar Skills Modules



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**What “drop ins” did we build?
How do you “drop in” modules?**



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Module #1

The Beginning of the Semester

Module #1

NextGen Bar Preparation Module

“The End in the Beginning”

Introduction to Statutory Interpretation using Criminal Law: Basic Requirements of Moral Condemnation (Culpability) & Punishment

This is an in-class exercise designed for the first weeks of Criminal Law to introduce students to legal analysis, synthesis, statutory interpretation, critical reading, and oral advocacy using commonly tested criminal law concepts.

Students grapple with basic criminal law concepts and attempt to make **charging and sentencing decisions** supported by the law and the facts provided.



NextGen 
Bar Exam of the Future
National Conference of Bar Examiners



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Module #2

Performance Exam With Integrated Questions

Module #2

Student Documents (1.5 hours / 90 minutes)

You receive this memorandum from your managing partner. You are a new associate at the law firm and want to be able to demonstrate to your partners that you are a competent attorney and a worthy hire. The memo reads as follows:

MEMORANDUM

TO: New Associate Attorney
FROM: Managing Partner
Date: October 24, 20xx
Re: Potential Client: Roberto Clementine – Possible Charges

Our law firm is asked to represent Roberto Clementine, pro bono, as he is the named law partner's close friend's son. This incident just occurred; the law firm needs to *anticipate* any possible homicide charges the client may face.

Please prepare a memorandum to me analyzing what potential homicide charges this client could face, if any, and whether there are any potential arguments the firm could make on his behalf using the materials provided. We have not yet spoken to the client so we cannot speculate as to any affirmative defenses. The only information we currently have is provided. Please make your assessment based on those materials, knowing that a client interview and further investigation may yield additional information that would change your analysis.



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Module #2

Performance Exam With Integrated Questions

MPT Questions

Question #1: Please identify any evidence that supports the State Attorney charging your client with **Penal Code §100.1**. State what the client would be charged with, then explain the law clearly and how each piece of evidence may be used to support the elements of the offense. After you have stated how the prosecution would use the evidence in its favor, please explain whether the evidence could be interpreted differently to achieve a different result – either a lesser or no charge.

This question should take no more than 20 minutes to complete.

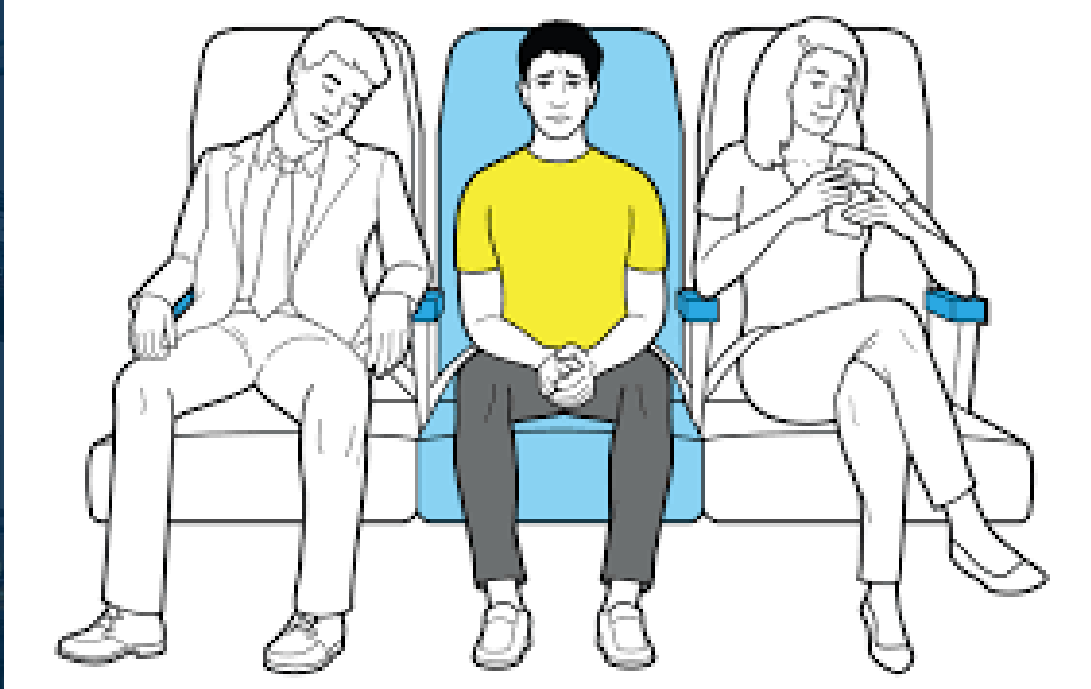
Question #2: Please identify any evidence that supports the State Attorney charging your client with **Penal Code §100.2**. State what the client would be charged with, then explain the law clearly and how each piece of evidence may be used to support the elements of the offense. After you have stated how the prosecution would use the evidence in its favor, please explain whether the evidence could be interpreted differently to achieve a different result – either a lesser or no charge.

This question should take no more than 20 minutes to complete.



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When To Drop In?



The middle of the term after completion of Homicide before defenses



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Module #3

Simulating NextGen Exam Skills

Two of the last subjects that most criminal law professors teach: **Theft or Rape.**

MODULE: Using the common law statutes simulate closing arguments and jury deliberations.

Objective: Prepare for final exam, review doctrinal area, **demonstrate rule synthesis, legal analysis, and competent fact evaluation.**



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How do you drop in? Supporting Materials



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Learning Objectives, Grading Rubrics, and Teaching Manuals

1. Learning Objectives
2. Student Materials
3. Teaching Instructions
4. Grading Rubrics
5. Alternative Use Suggestions
6. Student Self-grading Tools



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Alternative Uses For Each Module



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Professor Assigned, Student Graded

Name _____ Date _____

Self-Evaluation Form

ACTIVITY _____

1. I listened to directions... ... almost always
 ... sometimes
 ... not very often

2. I followed directions... ... almost always
 ... sometimes
 ... not very often

3. I could do the mathematics... ... almost always
 ... sometimes
 ... not very often

4. I could explain my work... ... almost always
 ... sometimes
 ... not very often

5. I worked with my group... ... almost always
 ... sometimes
 ... not very often

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Key Findings and Takeaways



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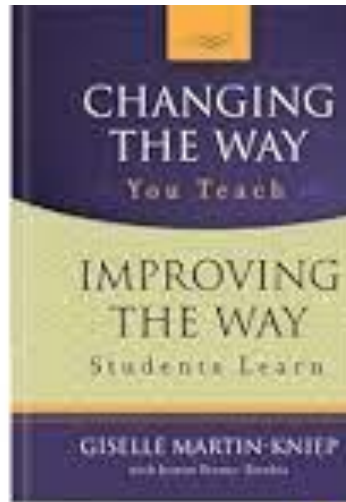
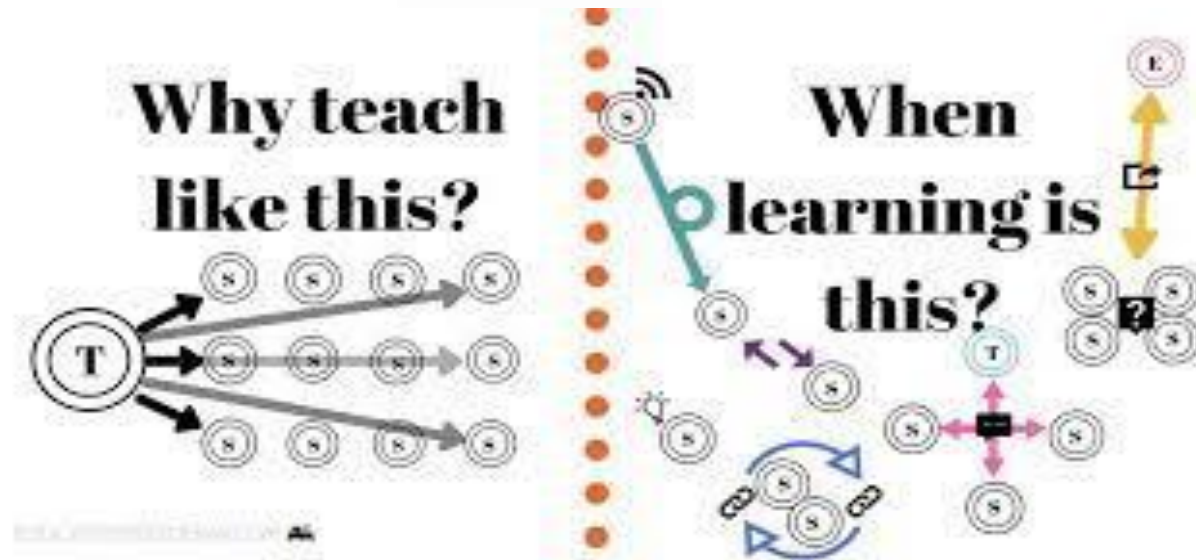
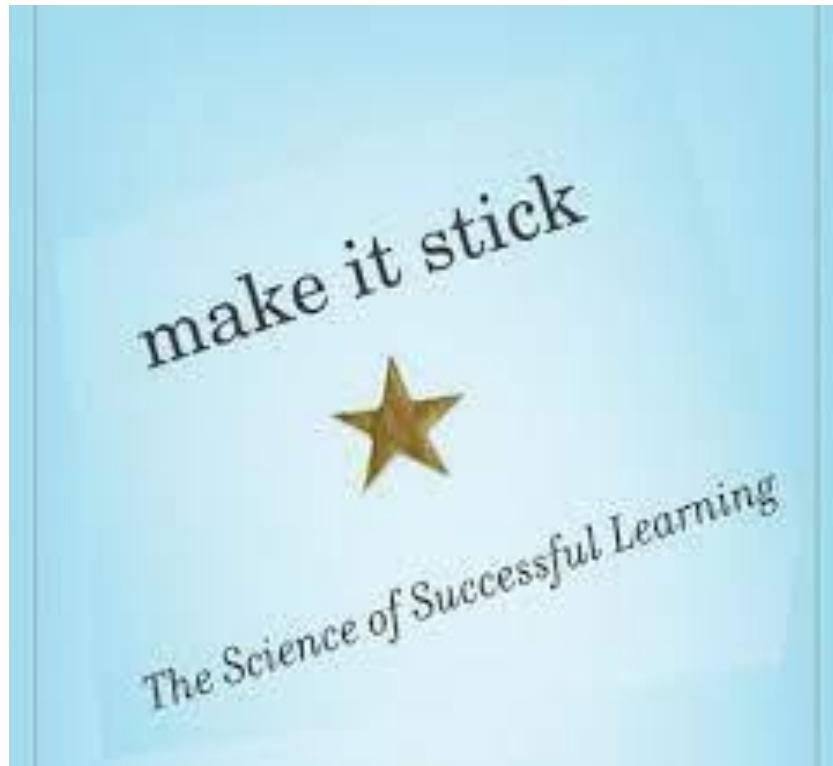


Introduce Practical Application in Doctrinal Places



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Introduce Practical Application in Doctrinal Places





Questions?



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THANK YOU!