



Implementing Best Practices & Educating Lawyers: Teaching Skills and Professionalism Across the Curriculum

Workshop 3B

Experiential Exercises with Flowcharts Facilitate Learning Law

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Hillary Burgess joined Hofstra School of Law as Assistant Professor of Academic Support in 2008. Before joining Hofstra, Professor Burgess taught Alternative Dispute Resolution at Rutgers School of Law - Camden. She also incorporated academic support writing into her undergraduate courses in Criminal Law, Criminal Procedure, Prisoners' Rights, Criminal Justice in America, and Criminal Justice and Social Conflict. Additionally, she has taught Business Writing and Rhetoric, among other courses at Rutgers - Camden and Rowan Universities.

Professor Burgess presents nationally and internationally (most recently Mexico and Africa) on topics including collaborative learning, writing across the curriculum, using technology in and outside the classroom, and how culture impacts diverse students' experience of law school. She is an active participant in the academic support and legal writing communities and maintains the national databank of academic success resources and surveys.

Professor Burgess has been active in ensuring the rights of crime victims, serving as a legal victim advocate and crisis counselor for rape and domestic violence crisis centers in Illinois and North Carolina.

She graduated from the University of North Carolina School of Law at Chapel Hill, where she studied Legal Education with Judith Wegner, author of the Carnegie Report. She also studied the history of the United States Supreme Court with the late Chief Justice William Rehnquist in Strasbourg, France. Professor Burgess earned dual honors at the University of Chicago as an undergraduate.

Professor Burgess is currently working on a paper about how flowchart exercises facilitate learning law and is also updating her fifty state statutory survey on sexual assault reforms.

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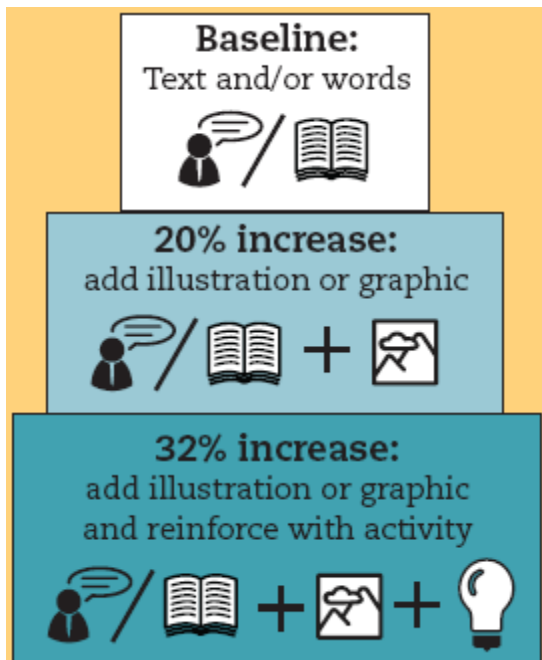
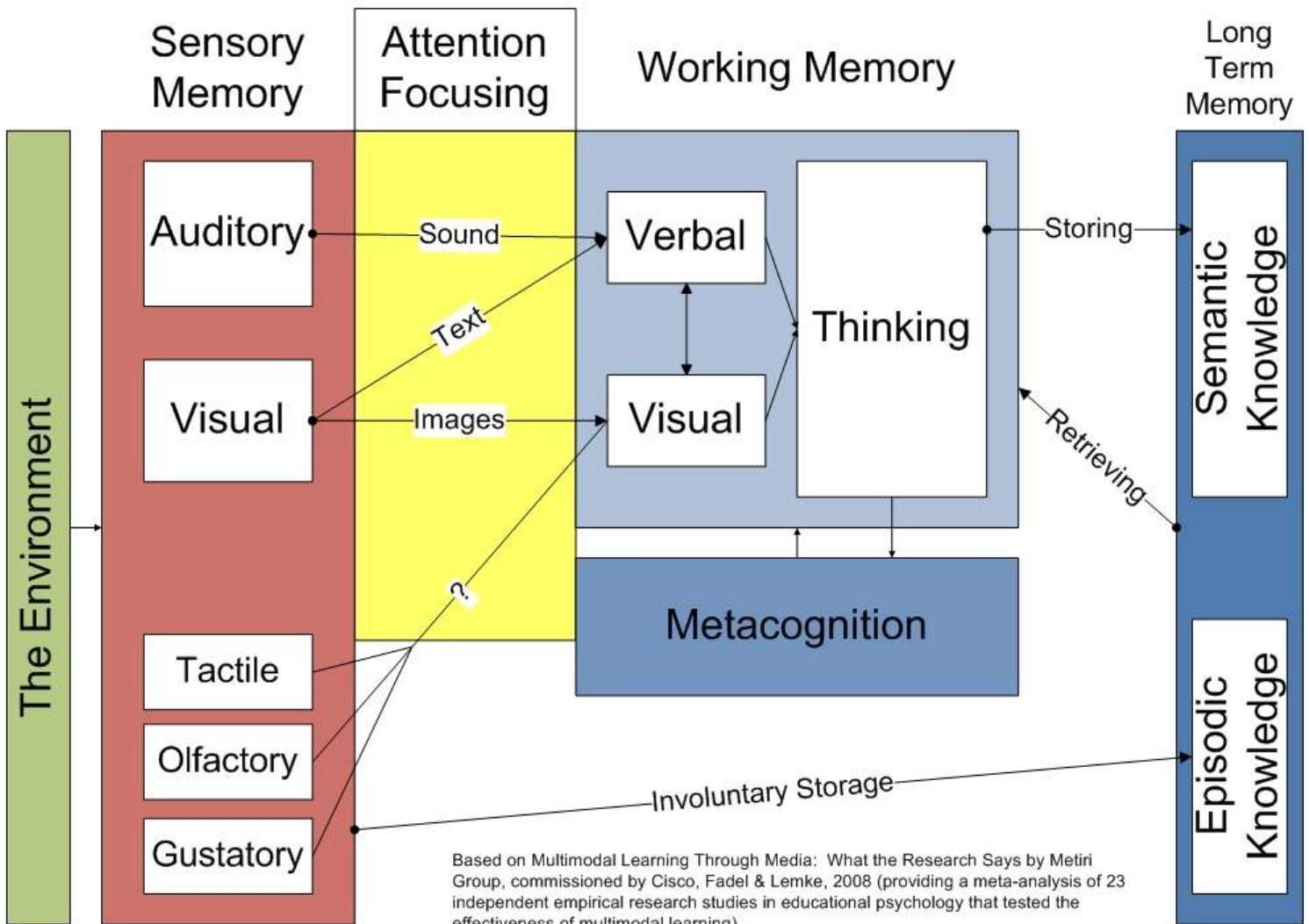
By Hillary Burgess

Skeletal Outline of How People Learn:

Bloom's Taxonomy Notes

- Knowledge
- Comprehension
- Application
- Analysis
- Synthesis
- Evaluation
- Additional Notes

How Do People Learn?



Notes:

Exercises with Visual Diagrams and Flowcharts

Please read the exercises that correspond to the color of your paper . Eg. If you have green paper, read the exercises labeled green. After you familiarize yourself with your own exercises, you will teach the exercises to people with handouts of a different color and learn about their exercises. Please wait for the cue for the next step

Green: Fill In the Blank

Professors can create their own graphical organizers or flowcharts and then remove critical information from the diagram. Learners then determine the missing information that will complete the flow chart as a take-home exercise, in pairs, or in small groups, learners can determine the missing questions or outcomes that will complete the flow chart. This exercise is especially effective for learners to engage in self-monitoring to ensure that they are learning the critical components of the rule of law.

Green: Multiple Choice

To make the flow charts interactive and useful as a study guide, professors can create flow charts, then remove information and replace it with a multiple choice of right and wrong questions. Learners then have to choose which question correctly identifies the issue that allows the flow chart in its entirety to become a rule of law. To make the exercise more challenging, professors could replace more than one decision point with multiple choice options for how to complete the flow chart. To make the exercise even more challenging and help learners understand the organization of the rule of law, professors could repeat some of the multiple choice options throughout the missing decision points so that learners have to consider both what elements are present in a rule of law and how these elements fit together in an organized fashion.

Blue: Puzzle

With the puzzle diagrams, professors create a flow chart, then cut the flow chart into. In a take-home exercise, small group exercise, or as part of a guided class discussion, the learners figure out how to fit the various elements of a rule of law into a grand scheme through putting the puzzle together.

A second variation is to provide half the learners with a complete picture of the flow chart. The other half of the learners receive the flow chart in pieces. Learners then work in pairs, back to back so that they cannot see each other's work, and discuss how to put the pieces of the puzzle together. While this exercise emphasizes communication skills (both talking and listening) more than the content of the topic, it is a fun way to incorporate lawyering skills into their classroom indirectly.

Blue: Pair And Share

Distribute a pre-made flow chart to half the class and have them study it and explain the concepts to partners the following class period. The other half of the class receives a copy of the flow chart in the following class. Students pair up with members from the first group "teaching" the topic to members of the second group. To ensure that learners are providing accurate information to each other, this exercise could be followed with a question and answer session or a group discussion about the concepts. Often times, learners will feel more comfortable asking questions when a peer has taught them the information than when a professor provides the information because the question is less likely to appear as a threat to the professor's authority.

Blue: Fact Pattern Problems

Provide the tree diagram coupled with a hypothetical fact pattern. Then, have learners analyze the fact pattern using the tree diagram. This exercise prepares learners for exam expectations in the first semester and provides students with exam practice in any semester. This exercise could be done alone at home or in class as part of a paired-peers, small group, or a large classroom discussion.

Purple: Human Hopscotch

The hopscotch tree diagram exercise requires the most preparation by the professor, but could be one of the most memorable learning experiences a learner encounters in law school. The basics of the hopscotch begins with creating a flowchart. Then, select learners approach the hopscotch at the starting point, and then navigate through the flow chart by analyzing their fact pattern against the questions from the flow chart. By answering the flow chart question, the learner proceeds to the next question in the flow chart, literally walking to it.

Professors could provide a typical exam answer flow chart whereby the answers are not clear, so that some learners might answer yes to the same question to which other learners answer no. Class discussion can then revolve around the questions learners answered differently and why. Through this exercise, learners gain experience analyzing fact patterns against rules of law.

Where space is limited, rather than provide a drawn hopscotch, professors could substitute students for decision points and have each student become an expert on that point of law. As the analyzing learner the fact pattern approaches each decision point learner, the decision point learner reads the decision point question aloud. The analyzing learner can ask the decision point learner questions about nuances of answering the question. The analyzing learner then provides a yes or no answer and the decision point learner provides instructions about where to go from there, as in “proceed to learner X for your next question.” Again to reinforce that learners should analyze both answers when the facts could be answered either way, when a learner answers “yes” to a question, the professor could have all of decision point learners branching out from the no answer sit down (or stand up), thereby representing the points the learner would lose if she answered too firmly and did not explore both possible answers.

Purple: Treasure Hunt

The treasure map exercise is similar to the hopscotch exercise. The professor creates a tree diagram flow chart and one or more fact patterns that the learners use to work through the treasure map. Instead of giving the learners the completed flow chart, the professor creates decision points at various places throughout the classroom or law school. Each decision point tells the learner where the next decision point is, based on the answer the learner provides. For example, “If you answer yes, go to the chalkboard for your next question. If you answer no, go to the podium.” The learners answer each question based on the fact pattern the professor provides.

To make this exercise even more interesting, the professor could place various items at each decision point (like labeled Popsicle sticks) that learners would collect. When the exercise is complete, the professor can award points for each of the items the learner should have collected if analyzing the problem in an exam answer, which would represent each issue the learner spotted. Here, again, a lesson could be that in a law school exam answer, it is often best to argue both sides of an issue.

If a school wants to encourage learners to participate in activities, get to know the dean, the academic support professional, or the reference librarian, or enroll in clinic classes, the decision points could be strategically placed throughout the law school to have learners visit these areas during the treasure map. Additionally, if more faculty wanted to participate, the decision points could be placed with various faculty who would help learners analyze the questions when the learner had questions about how to approach the question.

Exam #1:

Beginning with a statement of the rule of trespassory taking for larceny, analyze the following fact pattern. If time is limited, unlike a typical law school exam, you may simply focus on writing a clear, concise statement of the law and outline the facts you think are relevant to spotting issues.

V, a CEO, called D, Mark the Middle Manager, into his office and handed him a package. V had intended to call Matt the Middle Manager, but could never keep the two straight. V told D, "this package contains very valuable information that Bill Gates needs to roll out all of the patches to Vista." Mark knew that Bill Gate's was actually Matt's client, but decided to take the package to Bill in order to curry favor, hoping that Bill would want to transfer his business to Mark's division. On the way to Bill's office, Mark dropped the package and it broke. While Mark was picking it up, he realized that he could make a fortune selling the information as a third-party fix to Vista and engaged in the asportation of the information to his programming friend, Slimy Sam.

Larceny: Trespass*
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Did V give D
possession of the
property?



Wrong Person
Wrong Amount



Did V give
D the property
in error?

TRESPASSING

Pear's Case:
V rented D property
willingly, but D intended
to steal it when V gave it
to D.

Did D
intend to steal the
property at the time
D received
possession?



TRESPASSING

Was D a carrier?



D had temporary and
limited authorization.
(Usually limited
authorization employees or
bailees.

Did D
"break the bulk"
of the
property?

TRESPASSING



TRESPASSING



* This diagram is being used to demonstrate flow chart principles and not actually teach the trespass element of larceny.

Exam #2:

Beginning with a statement of the rule of trespassory taking for larceny, analyze the following fact pattern. If time is limited, unlike a typical law school exam, you may simply focus on writing a clear, concise statement of the law and outline the facts you think are relevant to spotting issues.

While on his break D, a FedEx carrier who was wearing his uniform, wandered into V's jewelry store. V exclaimed, "You're late. Here's the package containing the jewelry Mrs. Obama wore for the Inauguration. Please make sure you deliver it to the auctioneer at once." D knew that this jewelry store wasn't on his route, but he realized that he could make a small fortune if he sold the jewelry on ebay, but figured it was only worth his while if the jewelry was worth something. As such, he wanted to preserve the box in case he decided to deliver the box to the auctioneer, so, once inside his car, he poked two small holes in the box so that he could see what was inside. It turned out that, like Jackie O, Mrs. Obama had worn fake pearls, so he delivered the box, unopened, to the auctioneer.

Flowchart Exercises

Green:

- Pair up with someone who has the same color handout as you do.
- Fill in the missing information in the flowchart on page 7.
- Analyze the fact pattern below using the flowchart to assist your analysis.

Blue:

- Pair up with someone who has the same color handout as you do.
- Reassemble the flowchart puzzle without looking at the completed flowchart in this handout.
- Time allowing, see if you can reassemble the puzzle in an order other than the original order provided to you. What questions arise as you do?
- Time allowing, analyze the fact pattern below using the flowchart to assist your analysis.

Purple:

- Pair up with someone who has the same color handout as you do.
- If you believe that .

Sample Fact Pattern For All Colors

B agreed to buy C's car for \$1,100.00. B told C that he would have to present title and an invoice to B's dad, D. C asked the mailroom supervisor, S, to print the invoice and collect payment from D. When S printed the invoice, the printer smudged the ink, so that the \$1,100.00 looked like \$4,400.00. S noticed the error, and resolved to clarify the amount if D asked. When S presented D with the title and invoice, D took both, put a check for \$4,400.00 in an envelope, sealed it, and gave it to S. S accepted the sealed envelope, but once outside, opened it. Upon seeing that the check was for \$4,400.00, S cashed the check and gave C \$1,100.00 in cash. S kept the other \$3,300.00.

Discuss whether S engaged in larceny against D only. For the purpose of this presentation, please limit your analysis to the "trespass" element of larceny.

Green Exercise:

- Pair up.
- Follow instructions in this diagram.
- Use your completed flowchart to help you analyze the sample fact pattern above.



Wrong Person
Wrong Amount

Did V give D possession of the property?

Yes No

TRESPASSING

Did V give D the property in error?

Yes

[Fill In Blank]



No

Yes

TRESPASSING

No



Was D a carrier?

Yes

No

Did D "break the bulk" of the property?

Yes

No

TRESPASSING



Did V have
A. Limited Possession
B. Constructive Possession
C. Rebuttable Title



Yes

No

TRESPASSING



* This diagram is being used to demonstrate flow chart principles and not actually teach the trespass element of larceny.

Exam #3:

Beginning with a statement of the rule of trespassory taking for larceny, analyze the following fact pattern. If time is limited, unlike a typical law school exam, you may simply focus on writing a clear, concise statement of the law and outline the facts you think are relevant to spotting issues.

B agreed to buy C's car for \$1,100.00. B told C that he would have to present title and an invoice to B's dad, D. C asked the mailroom supervisor, S, to print the invoice and collect payment from D. When S printed the invoice, the printer smudged the ink, so that the \$1,100.00 looked like \$4,400.00. S noticed the error, and resolved to clarify the amount if D asked. When S presented D with the title and invoice, D took both, put a check for \$4,400.00 in an envelope, sealed it, and gave it to S. S accepted the sealed envelope, but once outside, opened it. Upon seeing that the check was for \$4,400.00, S cashed the check and gave C \$1,100.00 in cash. S kept the other \$3,300.00.

Discuss whether S engaged in larceny against C only. For the purpose of this presentation, please limit your analysis to the "trespass" element of larceny.