



Teaching Students To Write Legal Analysis Using Multiple Choice Questions that Step Through the Taxonomy of Legal Learning Objectives and Outcome Measurements.

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Objectives of the Workshop

In this workshop, participant will learn about how to develop formative multiple choice exercises that teach students how to write analysis by moving students through the hierarchy of learning objectives that teaches novice learners in the order in which they naturally need to learn. Specifically, participants will:

- ✓ Be exposed to a variety of questions that specifically target teaching students lower hierarchy learning objectives.
- ✓ Take sample quizzes that demonstrate the types of questions that target these lower hierarchy learning objectives.
- ✓ Discuss ways to meet students at their level while bringing them to advanced levels of written legal analysis by the end of the semester.
- ✓ Generate one or more questions the faculty can use with their students.

The Taxonomy of Cognitive Legal Learning Objectives and Outcome Measurements

(Working Draft)

		Knowledge: What Students Learn			
		Facts	Concepts (Doctrine/Theory)	Skills & Procedures	Cognitive Strategies
Cognitive Tasks: What Students Do with Knowledge	Remember Recognize Recall				
	Grasp Paraphrase Summarize Compare Explain				
	Integrate Differentiate Organize Attribute			Identify the Purpose Reorder the Sentences	
	Synthesize Adding Elements Generalizing Expanding or Contracting Reconciling Contradictory Overruled Exceptions Reconciliation				
	Analyze Spot Issues Apply rules & Policies to Facts Evaluate Strengths/Weaknesses Redefine the Problem			Which facts? Complete the Analysis MCQ Identify Missing Purpose	
	Produce Guided with Criteria Unguided with Criteria			Complete the Analysis FIB Revise the Analysis	
	Transfer				

Order is Important

Novices learn optimally when they learn in the order of hierarchical objectives. Thus, it is important to create formative exercises that allow students to master lower hierarchical objectives before asking them to engage in activities that require some mastery over higher hierarchical objectives.

Experts can approach new learning within a discipline in any order. In fact, experts often prefer to work backward. Thus, the activities that “make sense” to faculty often create confusion for novice learners.

Short hypothetical:

A has been chasing a wild bear all day long. The bear walks onto B's property. C, who is unknown to both A and B, runs onto B's property and shoots the bear on B's property and takes the bear home. Who has greatest rights to the bear?

Identify the Purpose: Guided Recognition

Identify the Purpose (Limited Scope, Limited Context, Guided Recognition):

Which of these sentences is a rule statement?

- a. Here, A was merely pursuing the wild bear when A chased the animal because the wild bear still had freedom to determine where to go without restriction to its liberty.
- b. Thus, A's actions do not constitute exercising dominion over the bear.
- c. A person does not exercise dominion over an animal when the person merely pursues a wild animal.
- d. Furthermore, nothing in the facts suggests that A exerted any control over the wild bear.

Identify the Purpose (Limited Scope, More Context, Guided Recognition):

Read this paragraph and answer the questions below:

Dominion: (1) A person does not exercise dominion over an animal when the person merely pursues a wild animal. (2) Here, (2a) A was merely pursuing the wild bear (2b) when A chased the animal (2c) because the wild bear still had freedom to determine where to go without restriction to its liberty. (3) Furthermore, nothing in the facts suggests that A exerted any control over the wild bear. (4) Thus, A's actions do not constitute exercising dominion over the bear.

1. Identify the purpose of the sentence labeled (1). a. Issue b. Rule c. Analysis d. Conclusion	4) Identify the purpose of the sentence labeled (2a). a. Analysis: Fact b. Analysis: Understanding of the Fact c. Analysis: Link to the language of the Rule
2. Identify the purpose of the sentence labeled (3). a. Issue b. Rule c. Analysis d. Conclusion	5) Identify the purpose of the sentence labeled (2b). a. Analysis: Fact b. Analysis: Understanding of the Fact c. Analysis: Link to the language of the Rule
3. Identify the purpose of the sentence labeled (4). a. Issue b. Rule c. Analysis d. Conclusion	6) Identify the purpose of the sentence labeled (2c). a. Analysis: Fact b. Analysis: Understanding of the Fact c. Analysis: Link to the language of the Rule

1. Under the Implied Warranty of Quality, the defect must manifest itself within a reasonable time. 2. The crack in the wall manifested itself three months after J bought the property, which was only nine months after the house was built. 3. However, it was not until the second appearance of the crack (one year after the house was built) that J realized the crack might be indicative of a larger problem. 4. The foundation of the house is something that few people expect to repair or replace, so the expectation is that it will last longer than nine months. 5. Hence, a foundation problem that manifested itself within nine months and became known one year after the house was built would fall within a reasonable time period to apply the IWQ .

What is the purpose of sentence number one?

- a. Issue
- b. Rule
- c. Analysis
- d. Conclusion

What is the purpose of sentence number two?

- a. Rule
- b. Analysis: Fact
- c. Analysis: Understanding
- d. Analysis: Link to the Language of the Rule

What is the purpose of sentence number four?

- a. Rule
- b. Analysis: Fact
- c. Analysis: Understanding
- d. Analysis: Link to the Language of the Rule

Identify the Purpose (Greater Scope, More Context, Guided Recognition)

(1) A person does not exercise dominion over an animal when the person merely pursues a wild animal. (2) Here, A was merely pursuing the wild bear (3) when A chased the animal (4) because the wild bear still had freedom to determine where to go without restriction to its liberty. (5) Furthermore, nothing in the facts suggests that (6) A exerted any control over the wild bear. (7) Thus, A's actions do not constitute exercising dominion over the bear.

Match the number of the sentence or clause to the purpose of the sentence on the right:

- | | |
|-----|---|
| (1) | Rule |
| (2) | Analysis: Fact |
| (3) | Analysis: Fact |
| (4) | Analysis: Understanding |
| (5) | Analysis: Link to the Language of the Element |
| (6) | Analysis: Link to the Language of the Element |
| (7) | Conclusion |

Organization: Guided Recognition

Organization (Limited Scope, No Context, Guided Recognition)

Which of these sentences would you put first to conform to IRAC?

- a. Here, A was merely pursuing the wild bear when A chased the animal because the wild bear still had freedom to determine where to go without restriction to its liberty.
- b. Thus, A's actions do not constitute exercising dominion over the bear.
- c. A person does not exercise dominion over an animal when the person merely pursues a wild animal.
- d. The issue here is whether A's acts constitute dominion where A chased the bear.

Which of these sentences would you put last to conform to IRAC?

- a. Here, A was merely pursuing the wild bear when A chased the animal because the wild bear still had freedom to determine where to go without restriction to its liberty.
- b. Thus, A's actions do not constitute exercising dominion over the bear.
- c. A person does not exercise dominion over an animal when the person merely pursues a wild animal.
- d. The issue here is whether A's acts constitute dominion where A chased the bear.

Organization (Limited Scope, More Context, Minimally Guided)

If you reorganized the sentences into the orders listed below, which most closely represents an IRAC essay?

1. Here, A was merely pursuing the wild bear when A chased the animal because the wild bear still had freedom to determine where to go without restriction to its liberty.
 2. Thus, A's actions do not constitute exercising dominion over the bear.
 3. A person does not exercise dominion over an animal when the person merely pursues a wild animal.
 4. Whether A's acts constitute dominion where A chased the bear?
- a. 4, 3, 1, 2
 - b. 4, 3, 2, 1
 - c. 3, 4, 1, 2
 - d. 3, 4, 2, 1

Which Facts?

Given the following hypothetical, select all facts that are relevant to analyzing dominion:

You had parked very far away from a building. While walking to the building, you spotted a closer parking spot. You asked your companion to "hold the spot" while you went to get the car because you figured it would be less hassle to move the car now than later. Your companion is standing in the parking spot waiting for you to return with the car when another car pulls up and signals that they want to park in the spot.

- a. Whether you parking far away from the building constitutes actual dominion of the parking spot you want.
- b. Whether you spotting a closer parking spot constitutes constructive dominion.
- c. Whether your companion standing in the spot constitutes actual dominion.
- d. Whether your companion standing in the spot constitutes constructive dominion.

Short hypothetical:

A places A's bike next to A's trash can. A places a sign on the bike that reads, "free to a good home." Later that day, B saw the bike next to the trash can with the sign on it and put the bike in B's car. The next day, A changed A's mind and wanted the bike back. A sues B. Who wins?

Complete The Analysis: Guided Recognition

Complete the Analysis

To abandon property, the true owner must intend to relinquish her rights and manifest that intent through actions. The placement of the bike next to the trash with a sign that read, "free to a good home," suggests that the A intended to relinquish A's rights to the bike. Therefore, A abandoned A's rights to the bike.

Complete the Analysis (Limited Scope, More Context, Guided):

What aspect of the analysis is missing from the sentence about intent to relinquish the bike, above?

- a. Facts
- b. An Understanding or Explanation of the Facts
- c. Language Linking to the Element or Rule

Complete the Analysis (Limited Scope, More Context, Less Guided):

What element did the above sample fail to analyze:

- a. Whether the bike was abandoned.
- b. Whether A intended to relinquish rights to the bike.
- c. Whether A manifested A's intent through actions.

Complete the Analysis (Limited Scope, Less Context, Guided):

Choose the phrase that would make this analysis most complete: "The placement of the bike next to the trash suggests that the A intended to relinquish A's rights to the bike..."

- a. ... because A put the bike next to the trash can with a sign that said "free to a good home."
- b. ... because "free to a good home" serves as an offer in a unilateral contract where the offeree merely has to take the bike away.
- c. ... because owners who want to keep their property do not tend to put it where a trashman is likely to mistake it for trash.
- d. ... because those actions would be inconsistent with any other purpose.

Complete The Paragraph: Unguided Recognition

Property owners have constructive dominion over wild animals that are on their property. Here, the fox was in B's trash can behind B's house. It is likely that the fox was on B's property because the area behind someone's house is usually still their property. Additionally, people generally store their trash cans on their own property.

Choose the sentence that adds value to this analysis:

- a. Therefore, A did not assert dominion over the fox.
- b. As such, B would have had constructive dominion over the fox while it was in B's trash can.

Complete the Paragraph: Guided Minimal Production

Complete the Analysis (Limited Scope, Less Context, Minimally Guided):

Finish the sentence in a way that explains how the reader should understand the fact cited:

When A put his bike by the trashcan with a sign that said, "free to a good home," the sign indicated that A wanted to relinquish A's rights to the bike because

Implied Warranty of Habitability requires that landlord provide premises that are free from material health and safety problems. Here, the facts indicate that there was a crack in the wall of the bedroom (fact). The contractor indicated that the crack did not create a rental housing code violation, much less a substantial violation (fact). Additionally, the facts do not indicate that the crack was causing anything to fall off of the wall or let elements in or out of the house (assumed fact). Without such evidence, a crack is a mere blemish (inference). Thus, (write a link here)_____

Complete the Paragraph: Unguided Minimal Production

This analysis is incomplete. Identify the purpose of each sentence. Identify what purpose is missing from the analysis. Then, add a phrase that would complete the analysis.

Under the common law of burglary, the act must take place during the night. **IF** Debbie was carrying a flashlight because _____, that could indicate that it was nighttime, so the nighttime element of common law burglary would be fulfilled.

Complete the Paragraph: Unguided Production

This analysis is incomplete. Identify the purpose of each sentence. Identify what purpose is missing from the analysis. Then, rewrite the paragraph in the space provided, adding a sentence or phrase that would complete the analysis.

Implied Warranty of Habitability requires that landlord provide premises that are free from material health and safety problems. Here, the facts indicate that there was mold growing in the insulation. Thus, the mold created a material health and safety problem.

Tips for Creating Multiple Choice Questions that Teach Analysis

- With novice learners, begin with limited scope questions that provide complete analyses to give context.
 - Early on, limit the scope by using analysis examples that focus on a single element, rather than a complete analysis for a multi-element rule.
 - Take single element/single fact analyses from past model exam answers or past student best answers (with permission).
 - Use samples that rigidly adhere to the principles that you are trying to teach.
 - Avoid samples that require judgement about when *not* to follow the principles that you are trying to teach.

- The first few formative exercises should only ask students to recognize the correct answer.
 - With Identify the Purpose questions, you need not modify the model answers.
 - With Identify What's Missing, remove a sentence from your model answer and use that as the correct response.
 - To create "wrong" answers, create common novice learning mistakes. For example, repeat the facts instead of explaining them and create conclusory statements.

- Repeat these quizzes in a variety of contexts.
 - Students will often lose mastery over a skill objective when they try to transfer the skill to a new topic.
 - Consider repeating lower hierarchy questions for each new unit you study.
 - Gradually, reduce the number of lower hierarchy questions for each new unit.
 - For example, if you teach 5 units, the first unit might focus solely on identifying the purpose of each sentence. Provide 10 questions that give complete single element, single fact pattern examples. With the second unit, give 3 questions that ask students to identify the purpose of each sentence and 7 questions that ask students to complete the analysis from the choices listed.

- Build students toward tasks that require them to produce answers.
 - Expect that some students will not transfer the skills between recognition tasks and production tasks.
 - Early on, limit the amount you want students to produce to a phrase or a sentence.

- To minimize grading, make as many of your formative exercises multiple choice questions.
 - Put these multiple choice questions in online quizzes where a computer grades the quiz automatically.
 - Add feedback to each correct and incorrect answer choice so students can learn from you without asking additional time from you.
 - Ask students to fill in the blank on many sample responses, but have them transfer their responses to a single page that you (or a TA) can grade quickly.