

## Syllabus

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### Learning and Reading Assignments

In the following pages, you will find both detailed Learning Assignments for each class session and weekly Reading Assignments. The Learning Assignments include all assigned homework, such as additional on-line exercises, quizzes and writing assignments.

Following the detailed Learning Assignments you will find the Reading Assignments that correspond to each week.

The required text for the course is **Vetri, Levine, Vogel, Gassama and Suzuki, Tort Law and Practice (6<sup>th</sup> ed. 2020)**.

Proper preparation for class includes reading the assigned material carefully (which means re-reading when necessary and looking up unfamiliar terms or phrases), fully briefing all principle cases, completing all assigned Preview Exercises and Homework, and reviewing the material shortly before class so that it is fresh in your mind. In the Preview Exercises for the first class, you will also learn the important elements of a brief for this course.

In addition to the assigned reading, and the exercises described above, there will be occasional quizzes and a midterm and final examination (please see Course Requirements at p. 13 of this syllabus for more information about these course components).

Note: On-line quizzes that are labeled "Preview" are not included in your grade and are set to allow you to take them multiple times. While you will see a score, along with detailed feedback, the score is not recorded for grading. The purpose of these quizzes is to guide you through a set of learning exercises. The scores for quizzes labeled "Review" are recorded and included in your grade (see Course Requirements). They are set for a single attempt. All quizzes are open book, open note. Please see the quiz instructions regarding working alone and Honor Code requirements.

All class sessions will be held IN PERSON, unless directed otherwise. With advance notice, one or two classes may be held on-line through Zoom.

### In-Class Worksheets

For every class session, you will have an In-Class Worksheet that you must download and have available on your computer to work on during class. The In-Class Worksheets include various short writing exercises, charts to fill out, and other written work designed to keep you engaged and improve your in-class experience through active learning. These will be available before class on the course website (see Course Requirements for more details) in the section called Course Materials in folders labeled with the Week #. There is nothing you need to prepare on the worksheet except to download it; all required components of the In-Class Worksheet will be completed during class. When the class is over, the Worksheet should be saved and uploaded immediately. It is a required component of class attendance. The worksheets are not graded, but I will review them for completeness, and to assess the overall learning.

*The reading and preparation, the class sessions, and the assigned at-home work combine to form the equivalent of three (3) hours of classroom time plus six (6) hours of outside work, on average, for each week of the semester.*

**Please make sure you plan to complete the first set of assignments due prior to the first class. See “Learning Assignment for Week 1” on the next page**

## Learning Assignment for Week 1

### Prior to the First Class

- Complete all reading for Week 1 (See Reading Assignments)
- Enroll in the Course Website for your section (see Course Requirements)
- The Week 1 Preview PowerPoint will be available on the Course Website starting Thursday, August 15.
- Please carefully review the “Week 1 Preview” PowerPoint and complete all tasks included in the slides.
- Once you have completed the reading, and the review of the Week 1 Preview PowerPoint, you should then complete the “Week 1 Preview Quiz” on the TWEN website
  - The Week 1 Preview Quiz opens Thursday, August 15
  - The Quiz will be located under Assignments on TWEN
  - **Complete by 10 a.m. on Thursday, August 22**
- You should anticipate spending at least one hour on the Week 1 Preview PowerPoint and Preview Quiz, in addition to the time spent preparing and briefing the assigned reading.
- Download the In-Class Worksheet, found on the Course Website under Course Materials in the Week 1 folder. The In-Class Worksheet will be available by 3 p.m. on the day of class.

## Learning Assignments

This Learning Assignments table should be reviewed in conjunction with the Reading Assignments table on pp. 7-9 of this syllabus. More information about upcoming assignments will be provided in class. You may also always consult the last slide of each week's posted PowerPoint for upcoming assignments. Tasks in addition to those listed here may be assigned in the PowerPoint as part of each week's preparation.

All quizzes can be found on TWEN under Assignments. All written exercises should be uploaded by the due date to the appropriate assignment on TWEN.

### **In addition to those assignments listed below, for each class session you should complete the following tasks:**

- Prior to class:
  - Complete all reading for that week (see Reading Assignments)
  - Download the In-Class Worksheet for that session (available on TWEN at 8 a.m. the day of class)
- After class:
  - Upload the completed In-Class Worksheet to the appropriate assignment on TWEN (due 15 minutes after class ends).

If there are no additional assignments listed for a particular class session, that means the assignments above are all that are required for that class session.

| WEEK | CLASS DATE | Assignment  |
|------|------------|---|
| 1    | Aug. 22    | Prior to Class:<br><b>** PLEASE SEE DETAILED ASSIGNMENT ON THE PREVIOUS PAGE**</b>  |
| 2    | Aug. 29    | After Class <ul style="list-style-type: none"><li>➤ Complete "Dog in Classroom" exercise<br/><b><u>Upload to TWEN by Wed., Sept. 4 , 10:00 a.m.</u></b></li></ul> |
| 3    | Sept. 5    | After Class <ul style="list-style-type: none"><li>➤ Complete IIED Paragraph exercise<br/><b><u>Upload to TWEN by Wed., Sept. 11 , 10:00 a.m.</u></b></li></ul>    |
| 4    | Sept. 12   | No additional assignments...  |
| 5    | Sept. 19   | After Class <ul style="list-style-type: none"><li>➤ Complete Review Quiz: Intentional Torts:<br/><b><u>Due Wed., Sept. 25 , 10:00 a.m.</u></b></li></ul>          |

| WEEK | CLASS DATE | Assignment   |
|------|------------|--|
| 6    | Sept. 26   | Prior to Class: <ul style="list-style-type: none"> <li>➤ Review and outline assigned practice exam</li> <li>➤ Complete assigned paragraph (will be submitted with Week 6 in-class worksheet).</li> </ul>   |
| 7    | Oct. 3     | <b>MIDTERM</b><br><br>After Class: <ul style="list-style-type: none"> <li>➤ Complete assigned reading for Week 7 and finish worksheet exercises.</li> <li>➤ Week 7 In-Class Worksheet will be due on Monday. Details TBA</li> </ul>  |
| 8    | Oct. 10    | No additional assignments...   |
| 9    | Oct. 17    | After Class <ul style="list-style-type: none"> <li>➤ Complete Review Quiz: Proving Breach:<br/><b><u>Due Wed., Oct. 23 , 10:00 a.m.</u></b></li> </ul>   |
| 10   | Oct. 24    | Prior to Class <ul style="list-style-type: none"> <li>➤ Complete reading for Week 10</li> <li>➤ Review “Week 10 Preview” PowerPoint and complete all tasks included in the slides.</li> <li>➤ Complete “Week 10 Preview Quiz” on TWEN website<br/><b><u>Due Thurs., Oct. 24 , 10:00 a.m.</u></b></li> </ul> After Class <ul style="list-style-type: none"> <li>➤ Complete Review Quiz: Landowner Liability<br/><b><u>Due Wed., Oct. 30 , 10:00 a.m.</u></b></li> </ul> |
| 11   | Oct. 31    | After Class <ul style="list-style-type: none"> <li>➤ Complete Review Quiz: Actual Causation<br/><b><u>Due Wed., Nov. 6 , 10:00 a.m.</u></b></li> </ul>   |

| WEEK | CLASS DATE | Assignment  |
|------|------------|---|
| 12   | Nov. 7     | After Class <ul style="list-style-type: none"> <li>➤ Complete Proximate Cause writing exercise<br/><b><u>Upload to TWEN by Wed., Nov. 13 , 10:00 a.m.</u></b></li> </ul>            |
| 13   | Nov. 14    | After Class <ul style="list-style-type: none"> <li>➤ Complete Review Quiz: Final Review<br/><b><u>Due Wed., Nov. 20 , 10:00 a.m.</u></b></li> </ul>                                 |
| 14   | Nov. 21    | Prior to Class <ul style="list-style-type: none"> <li>➤ Follow instruction from previous class regarding practice exam preparation, and organization of study materials.</li> </ul> |

## Reading Assignments

The required text for the course is **Vetri, Levine, Vogel, Gassama and Suzuki, Tort Law and Practice (6<sup>th</sup> ed. 2020)**. All page references are to this text. Assignments labeled “Handout” will be distributed ahead of time on the course website under Course Materials in folders labeled for each week (please see Course Requirements about access to the course website). You are responsible for all material within the listed pages of the week’s assignment. Principle cases are noted for your reference with starting page numbers, or the indication of “handout”.

| WEEK     | TOPICS   | ASSIGNMENT   | CASES   |
|----------|--|--|---|
| <b>1</b> | Introduction to Tort Law<br><br>Introduction to Intent<br><br>Battery <ul style="list-style-type: none"> <li>▪ Intent</li> </ul>   | xvii-xviii, 1-15, 34-49<br><br>665-668,<br>676-684<br>Case Handout Week 1  | <i>White v. Muniz (676)</i><br><i>Villa v. Derouen (678)</i><br><i>Fisher v. Carrousel (handout)</i>  |
| <b>2</b> | Battery <ul style="list-style-type: none"> <li>▪ Contact</li> </ul> Assault<br><br>Applying and Distinguishing Cases   | Case Handout Week 2<br>687-689<br><br>Problems 7-18 p. 692<br>Problems 27-29 p. 693<br>Problems 2-8, 14 p. 695                 | <i>McCracken v. Sloan (handout)</i><br><i>Leichtman v. WLW Jacor (687)</i><br><i>Hall v. McBryde (689)</i>  |
| <b>3</b> | Intentional Infliction of Emotional Distress   | 696 (bottom)-719<br><br>Problems 1, 4, 5, 8<br>p. 719-721  | <i>Brandon v. Cty of Richardson (697)</i><br><i>Alcorn v. Anbro (709)</i><br><i>Swenson v. Northern Crop Ins. (711)</i><br><i>Graham v. Guilderland Cent. Sch. Dist. (713)</i>    |
| <b>4</b> | False Imprisonment<br><br>Other Intentional Torts: <ul style="list-style-type: none"> <li>▪ Trespass,</li> <li>▪ Trespass to Chattels,</li> <li>▪ Conversion</li> </ul>  | 722-728<br><br>Problems 1, 4, 11<br>p. 728<br>Restatement 2d<br>Handout<br>782-783<br>737-738 [note 9]<br>Case Handouts Week 4 | <i>Wal-Mart Stores v. Cockrell (722)</i><br><i>Creel v. Crim (782)</i><br><i>CompuServe v. Cyber Promotions (handout)</i><br><i>Intel Corporation v. Hamidi (handout)</i>         |
| <b>5</b> | Other Intentional Torts: <ul style="list-style-type: none"> <li>▪ Trespass,</li> <li>▪ Trespass to Chattels</li> <li>▪ Conversion</li> </ul> Privileges: <ul style="list-style-type: none"> <li>▪ Consent</li> <li>▪ Self-defense</li> </ul> | 739-742<br>Case Handout ( <i>O’Brien</i> )<br>751-758<br><br>Problems 1, 3, 5, 10, 11<br>pp. 758-9                             | <i>Hogan v. Tavzel (739)</i><br><i>Hellriegel v. Tholl (740)</i><br><i>O’Brien v. Cunard (handout)</i><br><i>Bradley v. Hunter (751)</i><br><i>Juarez-Martinez v. Deans (753)</i> |

| WEEK | TOPICS   | ASSIGNMENT  | CASES   |
|------|--|---|---|
| 6    | Privileges:<br>▪ Necessity<br><br>Midterm Review   | 764-767   | <i>Rossi v. Del Luca</i> (764)<br><i>Vincent v. Lake Erie</i> (765)   |
| 7    | MIDTERM<br><br>Introduction to Negligence<br><br>Reasonable Care:<br>▪ Who is the Reasonable Person?                 | 13-15 (review),<br>p. 819: "Historical Perspective"<br>Case Handout Week 8<br>51-70,  | <i>Brown V. Kendall</i> (handout)<br><i>Rudolph v. Arizona B.A.S.S. Fed'n.</i> (57)   |
| 8    | Reasonable Care:<br>▪ Policy choices<br>▪ Learned Hand Formula<br>▪ Statutory Violations (Negligence Per Se)         | 74-76, 82-86, 92-98<br>104- 105 (notes 9-10)<br>124 [paragraph at top of page]<br>Case Handout Week 9<br>129 [starting at note 2]-<br>138 | <i>Edwards v. Johnson</i> (74)<br><i>Bashi v. Wodarz</i> (82)<br><i>U.S. v. Carroll Towing</i> (92)<br><i>O'Guin v. Bingham Cty</i> (handout)<br><i>Wright v. Brown</i> (131)                                 |
| 9    | Reasonable Care:<br>▪ Custom<br>▪ Res Ipsa Loquitur  | 108-117<br>145-146 (top),<br>150-156, 158-163   | <i>Trimarco v. Klein</i> (109)<br><i>The T.J. Hooper</i> (115)<br><i>Eaton v. Eaton</i> (151)<br><i>Ybarra v. Spangard</i> (158)  |
| 10   | Limitations on Duty<br>▪ Policy<br>▪ Landowner liability<br>▪ No duty to rescue<br>Resp. for 3 <sup>rd</sup> persons | 192-202,<br>Landowner Liability<br>handout<br>215-226, 229-230<br>244-250, 254-259  | <i>MacPherson v. Buick Motor Co.</i> (194)<br><i>Rowland v. Christian</i> (217)<br><i>Tarasoff v. Regents of Univ. of Calif.</i> (244)<br><i>Dunkle v. Food Service East</i> (254)                            |
| 11   | ▪ Actual Causation   | 355-359,<br>419-435   | <i>New York Cent. R.R. Co. v. Grimstad</i> (357)<br><i>Corey v. Havener</i> (359)<br><i>Summers v. Tice</i> (419)<br><i>Hymowitz v. Eli Lilly &amp; Co.</i> (422)<br><i>Brenner v. Am. Cyanamid Co.</i> (432) |
| 12   | Proximate Cause  | 440-449<br>461 [bottom]- 467<br>Case Handout Week 13  | <i>Palsgraf v. Long Island R.R. Co.</i> (444)<br><i>McClenahan v. Cooley</i> (461)<br><i>Price v. Blaine Kern Artista, Inc.</i> (465)<br><i>In re Kinsman</i> (handout)                                       |

| WEEK | TOPICS   | ASSIGNMENT   | CASES   |
|------|--|--|---|
| 13   | Proximate Cause, cont'd<br><br>Claims for pure Economic Loss<br><br>Claims for mental distress | 483-486 [note 1]<br>334-343<br>281-283 (top),<br>296 (bottom)-303 (top),<br>305-306 (notes 1 & 2)<br>306-307 ("Mini Problems")<br>Case Handout | <i>Pace v. Ohio Dept. of Transp. (483)</i><br><i>People Express Airlines v. Consolidated Rail Corp (334)</i><br><i>Burgess v. Superior Court (298)</i><br><i>Frame v. Kothari (handout)</i> |
| 14   | Final Exam Review  |  |   |

## Course Learning Objectives

The learning objectives for Torts I include both mastery of skills and doctrinal knowledge. Below you will find a list of key skills that will be practiced and developed, and an outline of the areas of doctrinal coverage. Basic mastery of these skills and a complete understanding of these doctrinal areas is necessary to earn a grade consistent with good standing.

### Skills:

- **Issue Spotting:** You will be able to identify the appropriate legal question arising out of a fact pattern.
- **Rule Statement:** You will be able to state an accurate paraphrase of applicable rules, including appropriate legal terms of art.
- **Holdings:** You will be able to develop broad and narrow holdings for all cases.
- **Rule Interpretation and Application:** You will be able to interpret and apply a rule to a hypothetical set of facts, recognizing the different approaches required by different types of rules.
- **Case Synthesis and Application:** You will be able to apply and distinguish cases in relation to a hypothetical set of facts, with appropriate explanation of significance—i.e., the relevance of the similarities and differences to the outcome of the dispute.
- **Making Policy-Based Arguments.** You will be able to identify the public policies of a precedent case or rule, to explain the policy implications of a legal controversy, and to use those policies in support of arguments for particular outcomes of the legal controversies.

[Please see the next page for Doctrinal Coverage]

## Doctrinal Coverage:

### A. Intentional Torts

1. Battery
  - a. Intent: the meaning of intent in the context of battery
  - b. Contact: the meaning and outer limits of harmful and offensive contacts.
2. Other Intentional Torts:
  - a. Assault
  - b. Intentional Infliction of Emotional Distress
  - c. False Imprisonment
  - d. Trespass
  - e. Trespass to Chattels
  - f. Conversion
3. Privileges
  - a. Consent
  - b. Self-Defense
  - c. Necessity

### B. Negligence

1. Basic Standard
  - a. Historical Development of Negligence
  - b. Learned Hand Formula
  - c. Elements: duty, breach, causation, damages
2. "Shortcuts" for determining breach:
  - a. Negligence Per Se: the role of statutes in determining duty/breach
  - b. The role of custom in determining duty/breach
  - c. Res Ipsa Loquitur
3. Limitations on duty
  - a. Landowners toward invitees, licensees, trespassers.
  - b. No duty to rescue (w/exceptions)
  - c. Responsibility for third persons
4. Actual Causation
  - a. "But for" causation
  - b. Substantial factor
  - c. Complications with multiple parties
5. Proximate Cause
  - a. "Foreseeable Plaintiff" approach (Cardozo in *Palsgraf*)
  - b. Direct consequences/policy based limitations (Andrews, e.g.)
  - c. Alternative approaches
6. Liability limitations based on damages
  - a. Pure economic loss
  - b. Mental distress

## Course Requirements and Other Details

1. Attendance is mandatory.
  - During all class sessions, **you are required to complete an In-Class Worksheet** and upload it immediately after class; completing and uploading the Worksheet promptly is necessary to receive credit for attendance for that class.
    - Students unable to use a laptop in class to complete the worksheet electronically should contact me for alternative means of demonstrating completion of handwritten worksheet.
  - If you exceed more than **two** absences, you will be dropped from the course. ***You are responsible for keeping track of the number of absences you accumulate. Please keep records.***
  - Promptness is also mandatory. Late arrivals may be counted as absent.
2. Class participation and preparation are required.
  - If you are unprepared when called on in class, you are permitted to say “unprepared” on the **first** occasion without consequence.
  - If you are unprepared on a second and subsequent occasion, **your final grade will be adjusted down by one tenth for each occasion.**
  - Communicating with other students by text, email or other chat function in order to “help” the student avoid an unprepared is distracting, easily detected, and a violation of these rules. Doing so also undermines the learning experience, which often is enhanced by some quiet contemplation and productive struggle. Both students will be assigned an unprepared under such circumstances.
3. In the Learning Assignments above, you will find occasional writing assignments or other written homework. All such exercises must be completed in good faith and on time. **Failure to do so on more than one occasion will result in the same penalty as set out in #2 above** (one tenth deduction for each missing or late assignment after the first one). The one missed or late exercise for which no penalty is assessed is designed to cover emergencies. Because of the ease of electronic submission, absence from class does not affect due dates or excuse completion of homework.
4. **Preview Quizzes.** On-line quizzes that are labeled “Preview” are not included in your grade and are set to allow you to take them multiple times. While you will see a score, along with detailed feedback, the score is not recorded for grading. The purpose of these quizzes is to guide you through a set of learning exercises. Students who score less than 75% of the total available points are encouraged to retake the quiz to make sure they have retained the information or mastered the skills based on the feedback. **Students who score less than 50% of the total are required to retake the quiz until they reach a minimum 50% score in order to receive credit for completion. Failure to complete the Preview Quiz at a minimum score will count as “unprepared” (see #2 above).**
5. **Review Quizzes.** The scores for quizzes labeled “Review” are recorded and included in your grade. They are set for a single attempt. The sum total of all scores on Review Quizzes will count for 5% of your grade. Deadlines for Quizzes will be strictly observed.
6. The **Midterm** will be administered during Week 7 (Oct. 3). It will be a timed, in-class midterm (75 minutes). The Midterm will count 15% of your grade.

7. The final examination will be 80% of your final grade.
8. Enrollment in the **Course Website on TWEN** is mandatory. All assignments and quizzes are made available there, and completed assignments are uploaded there. The course website, which will become available by Mon., Aug. 12, is called Torts I C Fall 2024. The password is kellert1.
  - **Assigned handouts can be found under Course Materials in the Handouts folder that corresponds to the week in which the item is assigned.** These will normally be available two weeks before the class session.
  - **The In-Class Worksheet for each class will also be found in the weekly Handouts folder.** The In-Class Worksheet will be available in that location by 3 p.m. the day of class.
9. I will maintain Office Hours by appointment using Zoom, days and times TBA. You may sign up for these appointments using the sign-up sheet feature on TWEN. If the available slots are full or you have a conflict with the available times, please contact me by email at [skeller@wsulaw.edu](mailto:skeller@wsulaw.edu).
10. **Requirements for Students in Zoom Sessions.** Currently, all class sessions are scheduled to be in-person at the Irvine campus, except for Monday, September 25 (see Learning Assignments). Unexpected circumstances may make it necessary to schedule additional classes to be remote on Zoom. For any class held by Zoom, you will receive advance notice and instructions for accessing Zoom. Below, you will find the faculty approved requirements for any Zoom sessions that are held, followed by additional requirements for the Torts I class.
  - Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.
  - Arrive to class early and dressed as you would to attend an in-person class.
  - Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.
  - Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.
  - Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.
  - If you have to miss a Zoom session, or arrive late or leave early, notify the professor in advance, as you would for an in-person class.
  - If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify your professor so other accommodations can be explored.
  - Do not post screenshots or recordings of any Zoom classes on social media. Such actions constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact your professor.

#### **Additional Zoom Requirements and Recommendations for Torts I:**

- Sign into Zoom with the name under which you are registered for class, first name followed by last name.
- Unless I instruct you otherwise, please mute your microphone when you are not speaking. Unmute to speak or to ask or answer questions.

- Students seeking to participate in class, ask a question, or respond to an open question should use the “Raise Hand” feature in Zoom, located in the “Participants” window. Please familiarize yourself with that function prior to class.
- Please do not use the “Chat” feature in Zoom while class is in session unless specifically instructed to do so. If you wish to get my attention or make a contribution, please use the Raise Hand feature instead. Communicating with other students by chat during the class session, unless there is a specific instruction to do so as part of an exercise, is not allowed.
- Please **do** feel free to use Chat to communicate with me during the period of time before class begins, during break, or when I am hanging out on Zoom after class.

## **DISABILITY SERVICES STATEMENT:**

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto:despinoza@wsulaw.edu). When seeking accommodations, a student should notify Dean Espinoza of the student's specific limitations and, if known, the specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Marisa Cianciarulo at [mcianciarulo@wsulaw.edu](mailto:mcianciarulo@wsulaw.edu) or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

## Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) **Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) **Practice Skills**

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) **Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) **Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) **Communication**

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker’s ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author’s ideas).

(6) **Advocacy of Legal Argument**

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

**(7) Client Sensitivity and Cultural Competency**

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

**(8) Legal Ethics**

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.