

Formative Assessment in Law Schools - A Review of Some Available Tools

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Goals & Outcomes

- Define formative assessment and understand its significance in new ABA standards
- How to evaluate various formative assessment tools, apps and software designed to assist in the assessment of educational goals
- Draft reviews of assessment tools

Introduction

“Summative assessment methods are measurements at the *culmination of a particular course* or at the culmination of any part of a student’s legal education that *measure the degree of student learning.*”

American Bar Association, 2015-2016 ABA Standards - Chapter 3, Standard 314. Assessment of Student Learning, Interpretation 314-1 (last visited June 5, 2016)

Introduction

“Formative assessments are measurements at *different points during a particular course* or at different points over the span of a student's education that provide *meaningful feedback to improve student learning.*”

American Bar Association, 2015-2016 ABA Standards - Chapter 3, Standard 314. Assessment of Student Learning, Interpretation 314-1 (last visited June 5, 2016)

Introduction

Feedback for the learner

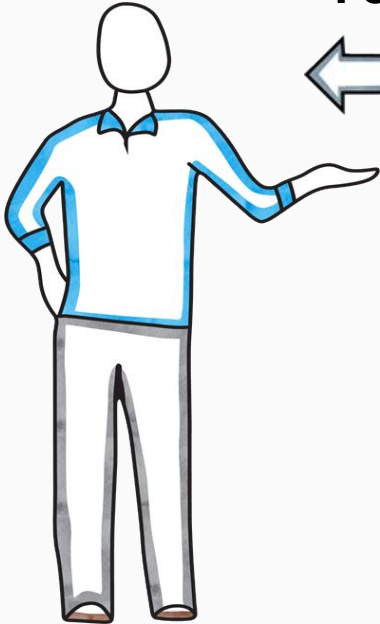


Formative Assessment Examples

- Quizzes and polls
- Class Assessment Techniques
 - Minute Paper & Muddiest Point
 - One-Sentence Summary
- Paper submission with early feedback
- Mid-terms?



Feedback for the instructor



Introduction

What does it mean for law schools?

New ABA Standards

- 302- Learning Outcomes
 - Knowledge - Skills- Values
- 314 - Assessment of Student Learning
 - Formative & Summative Assessments
 - Measure & Improve
- 315- Evaluation of Legal Program
 - Ongoing & Meaningful

Method of Review

Overview

- **What is it?** *Quick description of the tool/resource and what it offers.*
- **Cost** - *Cost for student? Cost for institution? One-time or recurring cost? Non-economic costs (time)*
- **Ease of Adoption** - *Are there technical challenges? Other challenges?*
- What makes it **unique and special**?

Scope

- Who provides the **Content**? *Vendor, end-user, crowd-sourced?*
- Is there **Quality Control**? *Who reviews the content? How easy would it be to review the content?*

Method of Review

Assessment Process

- Assessment “**workflow**”?
 - *What will faculty and students have to do when using the tool or resource?*
 - *Who receives the assessment information and feedback? What kind of information is provided?*
 - *In-class vs out of class use?*

Learnleo

- What is it?
 - Web based collaborative platform
 - Briefs from class notes, share outlines
 - Review case law online, build skill
- Cost?
 - Free, but there is a fairly detailed terms and conditions of use agreement.
- Ease of Adoption
 - Seems pretty straightforward for students
- Unique/Special
 - Free/ Customizable
- Scope
 - Content - Vendor provided, but they will customize
 - Quality control - Academic board of advisors
- Assessment Process-
 - Out of class
 - Students review case law w/directional questions, prompts & feedback

LearnLeo (Launch Page)

The screenshot shows a web browser window with the URL <https://learnleo.com/tutorial>. The page title is "LEO Law School Prep". The main content area features the text: "These exercises show you how to analyze cases so you are prepared for class." Below this text are three exercise cards:

- Law school lingo** (4 mins) with a green checkmark.
- Apply knowledge** (7 mins) with a green checkmark.
- Challenge me** (Analyze popular cases) with a green "START" button.

At the bottom of the exercise cards, there is a link: [To Dashboard >](#)

The browser's taskbar at the bottom shows the time as 10:17 AM on 6/15/2016. The Windows taskbar includes icons for Internet Explorer, File Explorer, and several other applications.

LearnLeo (Learn the Lingo)

LEO Law School Prep

Law School Prep

What professors expect you to know.

Click on each colored highlight to learn about the important parts of a case.

Thomas v. United States Soccer Federation

SUPREME COURT OF THE STATE OF NEW YORK, APPELLATE DIVISION | 653 N.Y.S.2D 958 | 1997

Bracken, J. P., Santucci, Krausman and McGinity, JJ., concur.

Ordered that the order is reversed, on the law, with costs, the defendants' motion for summary judgment is granted, and the complaint is dismissed.

On the evening of June 18, 1992, the plaintiff Octavio Thomas was injured while participating in a game sponsored by the Cosmopolitan Soccer League (hereinafter Cosmopolitan). According to the plaintiff, the events leading to his injury were precipitated when the opposing team kicked the ball out of bounds. As the plaintiff picked up the ball and prepared to throw it back onto the playing field, he was suddenly attacked by an unidentified member of the opposing team, who punched him twice in the face. When the plaintiff hit his assailant back, 20 to 30 spectators allegedly ran onto the playing field, and some of these individuals jumped on top of the plaintiff. While the spectators and opposing team members held the plaintiff down, the player who had originally attacked him bit off the plaintiff's ear.

The plaintiff subsequently commenced this action against Cosmopolitan, the Eastern New York State Senior Soccer Association, Inc., and the United States Soccer Federation, Inc., alleging that the defendants had negligently failed to provide a properly trained referee to officiate at the game, and failed to maintain a safe playing environment for participants in the league-sponsored game. Following discovery, the defendants moved for summary judgment dismissing the complaint, contending that their alleged negligence was not the proximate cause of the plaintiff's injuries. The Supreme Court thereafter denied the defendants' motion, and the defendants now appeal.

CASE ELEMENT: FACT

The Facts are the important events (and people) that determine the outcome.

- The two parties: Plaintiff Thomas played in the Defendant Cosmopolitan's soccer league.
- Note that a case element can be sprinkled throughout the case.
- Case elements don't always appear in the same order; a case might begin with the Facts, even if the legal analysis follows.

ExamSoft

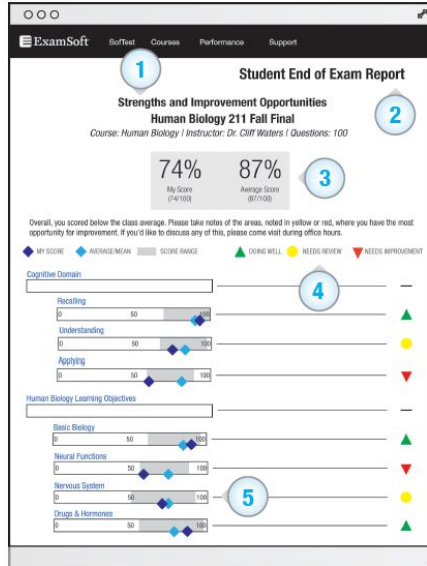
- **What is it?**
 - Management software supporting the entire testing process
 - Provides actionable data to assess learning outcomes.
- **Cost?**
 - Varies depending on the service package, student enrollment and # of anticipated users.
 - Recurring.
- **Ease of Adoption**
 - Requires careful planning.
 - Institution- Course
- **Unique/Special**
 - Familiarity with the vendors products and services
- **Scope - Combines assessment creation, administration, scoring and analysis**
 - Content - User created (unless using the Wolters Kluwer package)
 - Instructors
 - Rubrics
 - Exam Questions
 - Administrators-
 - Broad based for decisions with more institutional impact

ExamSoft

- Assessment Process
 - Instructor enters the data - using learning outcomes, competencies, accreditor or board assessment, subject areas or faculty subject areas.
 - In or out of class
 - Analytics & reports
 - Faculty
 - Student
 - Longitudinal

ExamSoft- Analytics & Reports

STUDENT REPORT



1 Engage students with personalized assessment-performance analysis

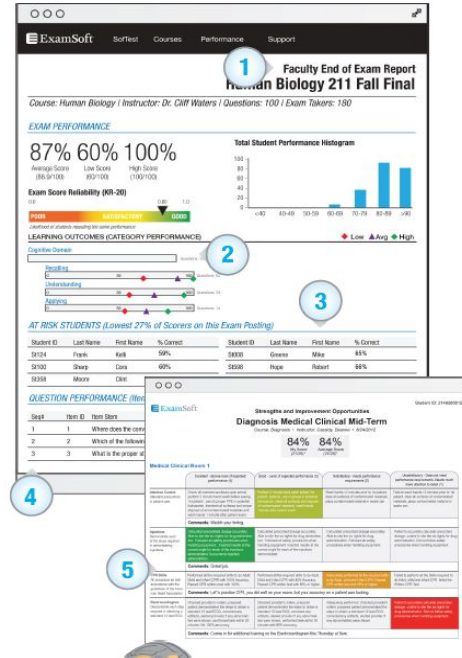
2 Receive performance reports immediately after assessment completion

3 Compare personal score to average score

4 Identify areas for improvement with spotlight-style system

5 See personal performance on specific-learning outcomes and objectives as compared to peers

FACULTY REPORT



1 Receive performance reports immediately after the completion of quizzes, exams, presentations, or any other assignment

2 Customize reports with your own data filters

3 Draw attention to students needing individual remediation

4 Discover questions needing further review with psychometric analyses

5 Generate feedback for all types of assessments—even those graded with rubrics!

STUDENT BENEFITS



Provide students with **detailed performance data**

Give students **immediate results**: don't make them wait anymore!

Give them tools to drive academic improvement with **self-directed study**

FACULTY BENEFITS

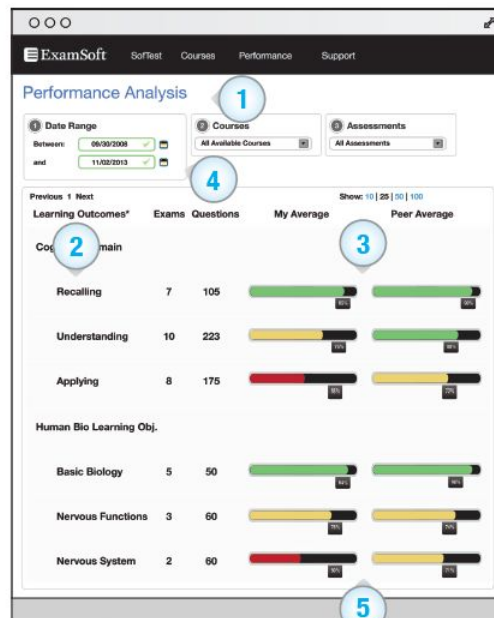


Make effective improvements to courses in **real time**

Save time on exam analysis and remediation efforts

Use data in CVs and contributions to SOTL

LONGITUDINAL REPORTS



- 1 Give students, faculty, and admins tools to run the longitudinal performance reports they need
- 2 Empower students to see how they are performing on specific learning-outcomes across the curriculum
- 3 Enable students to compare personal performance against their peers
- 4 Set your own time parameters for data analysis
- 5 Easy-to-interpret stoplight-style system highlights areas for improvement

LONGITUDINAL BENEFITS



Longitudinal Report

Impact academic performance

Monitor real-time progress toward learning-outcomes

Engage students and **empower them** to act

ExamSoft & Wolters Kluwer - Law Class Feedback

- What is it?
 - Assessments from Wolters Kluwer using ExamSoft (ExamSoft subscription not necessary)
- Scope /Content
 - Based upon Wolters Kluwer casebooks
 - Constitutional Law
 - Tort Law
 - Civil Procedure
 - Contract Law
 - Questions drafted by law faculty and casebook authors
- Cost
 - \$20-\$29 per student (ExamSoft subscription not necessary)

ExamSoft & Wolters Kluwer - Law Class Feedback

- **Ease of Adoption**
 - ExamSoft features powerful but complex
 - Already using one of the casebooks?
- **Assessment Workflow**
 - Pre-made assessments linked to learning outcomes
 - Feedback for faculty: class/student performance, item analysis
 - Feedback for students: learning outcomes, links to casebook
- **What makes it unique?**
 - Detailed feedback
 - Links to learning outcomes and casebook

Questions [Create M/C](#)[Create T/F](#)[Create Essay](#)[Create FITB/Matching](#)[Advanced Search](#)

Questions by Folder

Questions by Category



ITEMS	0	
Wolters Kluwer	0	
Constitutional Law	0	
Constitutional Law, 4th Ed. by Chemerink	0	
Ch. 01. The Federal Judicial Power	5	
Ch. 02. The Federal Legislative Power	5	
Ch. 02. The Federal Legislative Power	1	
Ch. 03. The Federal Executive Power	7	
Ch. 2016 Supplement	3	

[Refresh Tree](#)

Filter: /ITEMS/Wolters Kluwer/Constitutional Law/Constitutional Law, 4th Ed. by Chemerinsky/Ch. 02. The Federal Legislative Power

Previous 1 Next

Show: 10 | 25 | 50 | 100 | 250



<input type="checkbox"/>	Title	ID/Rev	Last Editor	Status	Type	Preview	Actions
<input type="checkbox"/>	3. What modality of constitutional interpretation	213 / 1	Mindle, B	Approved	M/C	Preview	
<input type="checkbox"/>	18. Congress wishes to incentivize the purchase of automobiles that have low emissions	228 / 1	Mindle, B	Approved	M/C	Preview	
<input type="checkbox"/>	17. Congress wishes to incentivize the purchase of automobiles that have low emissions	227 / 1	Mindle, B	Approved	M/C	Preview	
<input type="checkbox"/>	18. Fearful that Americans are not saving enough for retirement	228 / 1	Mindle, B	Approved	M/C	Preview	
<input type="checkbox"/>	15. Congress passes a law criminalizing the failure to make child support payments	225 / 1	Mindle, B	Approved	M/C	Preview	

Previous 1 Next

5 Results

Show: 10 | 25 | 50 | 100 | 250



17. Congress wishes to incentivize the purchase of automobiles that have low



Create Question

ID: 227 Rev 1; Creator: Mindle, Beverly

Title: 17. Congress wishes to incentivize the purchase of automobiles that have low emissions

Folder: Ch. 02. The Federal Legislative Power

Group: n/a

Status: Approved

Categories

Add or Remove Category

Congress's Spending Clause powers

Options

Weight: 1.0

Multiple Answers:

 Randomize Choices Partial Credit Select All That Apply

Attachments

No attachments have been applied to this question.

Rationale

The correct answer is A. The powers of Congress are limited to those listed in Article I, plus any implied powers authorized by the Necessary and Proper Clause. Unlike state legislatures, Congress has no plenary police power to enact laws for the health, safety, and welfare of its citizens. If it did, the

and D would all be useful to defend the fee. Recommended Reading: pages 153-154 of Constitutional Law, 4th Ed. by Chemerinsky.

Multiple Choice Question

Congress wishes to incentivize the purchase of automobiles that have low emissions. It realizes that in order to create a market, enough hybrids and plug-in electric cars have to be sold for manufacturers to realize economies of scale and begin to reduce the prices of the cars. Congress, therefore, passes legislation that imposes a \$10,000 environmental mitigation fee on the purchase of cars powered by internal combustion engines. The legislation prohibits reducing the sales price of cars to mitigate the cost to the purchaser. The revenue from the fee is collected by the Environmental Protection Agency, which uses it to subsidize alternative energy projects. Carmakers and dealers challenge the constitutionality of the fee in federal court. Which of the following would be least useful in defending the constitutionality of the fee:

Seq	Answer Choice	Correct	Lock
a)	Congress's general police power	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	The Necessary and Proper Clause	<input type="checkbox"/>	<input type="checkbox"/>
c)	The Commerce Clause	<input type="checkbox"/>	<input type="checkbox"/>
d)	The Taxing Clause	<input type="checkbox"/>	<input type="checkbox"/>

View Answer Comments

ID: 35; Posts: 1
 Name: Constitutional Law 1
 Type: Exam
 Creator: Mindle, Beverly
 Folder: [Change Folder](#)
 Constitutional Law

Blueprint

Category	#	%
Commerce Clause powers	2	10.00
Congress's Spending Clause powers	2	10.00
Executive power over foreign affairs	2	10.00
Judicial review of federal and state laws and executive decisions	2	10.00
Justiciability	2	10.00
Methods of constitutional interpretation	2	10.00
President's appointments and removal powers	2	10.00
The rise of the administrative state	2	10.00

Presidential power and privilege in domestic affairs	1	5.00
Congress's powers under the Fourteenth Amendment	1	5.00

[View Full Blueprint](#)

Pre-Assessment Notices

n/a

Scoring

Maximum Points 20.0 points

Default weights

Questions

Stats

Previous 1 Next

Show: 10 | 25 | 50 | 100 | 250



Order	Question Title	ID/Rev	Creator	Type	Weight	Status	Preview
1	1. President Adams promises Marbury						Preview
2	2. Worried that federal judges lack						Preview
3	3. What modality of constitutional interpretation						Preview
4	4. Which of the following is a reason given for adopting originalism						Preview
5	5. In order to encourage citizens' vigilance						Preview
6	6. Despite being videotaped in public	218 / 1	Mindle, B	M/C	1	Approved	Preview
7	7. In response to a terrorist attack	217 / 1	Mindle, B	M/C	1	Approved	Preview
8	8. Congress recently passed an immigration reform bill	218 / 1	Mindle, B	M/C	1	Approved	Preview
9	9. Recently Congress established a committee within the Department of Defense	219 / 1	Mindle, B	M/C	1	Approved	Preview
10	10. In response to complaints about a rash of mergers	220 / 1	Mindle, B	M/C	1	Approved	Preview
11	11. Country A underwent a violent civil war	221 / 1	Mindle, B	M/C	1	Approved	Preview
12	12. The United States recently began normalizing relations with Cuba	222 / 1	Mindle, B	M/C	1	Approved	Preview
13	13. In response to concerns that the government's efforts to mitigate climate change	223 / 1	Mindle, B	M/C	1	Approved	Preview
14	14. In response to international pressure, the United States Congress recently voted to close "black sites"	224 / 1	Mindle, B	M/C	1	Approved	Preview
15	15. Congress passes a law criminalizing the failure to make child support payments	225 / 1	Mindle, B	M/C	1	Approved	Preview
16	16. Fearful that Americans are not saving enough for retirement	226 / 1	Mindle, B	M/C	1	Approved	Preview
17	17. Congress wishes to incentivize the purchase of automobiles that have low emissions	227 / 1	Mindle, B	M/C	1	Approved	Preview
18	18. Congress wishes to incentivize the purchase of automobiles that have low emissions	228 / 1	Mindle, B	M/C	1	Approved	Preview
19	19. Article I gives Congress the power to "raise and support Armies"	229 / 1	Mindle, B	M/C	1	Approved	Preview

President Adams promises Marbury that he will appoint him to the next vacant judgeship in his administration. When the vacancy opens, it is that of the Chief Justice of the United States. Adams decide

- A) Marbury, because his legal rights to the position
- B) Marbury, if he can demonstrate that he relied to h
- C) *Adams, because the Constitution gives presidents t
- D) Adams, because the President is immune from suit.

Commerce Clause powers	2	10.00	4	4. Which of the following is a reason given for adopting originalism	214 / 1	Mindle, B	M/C	1	Approved	Preview
Congress's Spending Clause powers	2	10.00	5	5. In order to encourage citizens' vigilance	215 / 1	Mindle, B	M/C	1	Approved	Preview
Executive power over foreign affairs	2	10.00				Mindle, B	M/C	1	Approved	Preview
Judicial review of federal and state laws and executive decisions	2	10.00				Mindle, B	M/C	1	Approved	Preview
Justiciability	2	10.00				Mindle, B	M/C	1	Approved	Preview
Methods of constitutional interpretation	2	10.00				Mindle, B	M/C	1	Approved	Preview
President's appointments and removal powers	2	10.00				Mindle, B	M/C	1	Approved	Preview
The rise of the administrative state	2	10.00				Mindle, B	M/C	1	Approved	Preview
Presidential power and privilege in domestic affairs	1	5.00				Mindle, B	M/C	1	Approved	Preview
Congress's powers under the Fourteenth Amendment	1	5.00				Mindle, B	M/C	1	Approved	Preview

Post Assessment ✕

Posting Name: POST number **2**

Assessment Password:

Settings

Course: Instructor:

Download Start: Email Download Reminder: @ 2 AM

Download End: Email Upload Reminder: @ 2 AM

Max Downloads: Upload Deadline:

Scheduled on: Download Password:

Suppress Exam Emails

Previous 1 Next 20 Results Show: 10 | 25 | 50 | 100 | 250

First Question # 1

Course: Constitutional Law 1 • Instructor: N/A • Questions: 20 • Exam Takers: 62

ASSESSMENT PERFORMANCE

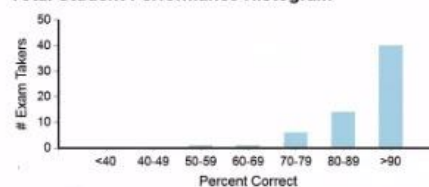
89% 50% 100%

Average Score (17.8/20)

Low Score (10/20)

High Score (20/20)

Total Student Performance Histogram



Assessment Score Reliability (KR-20)



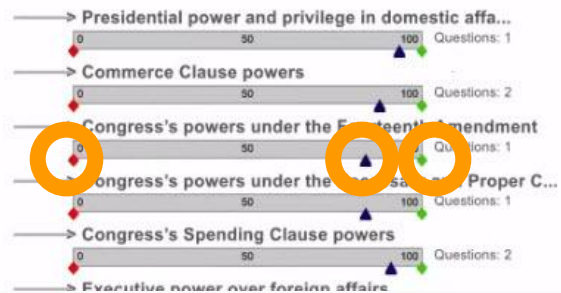
Likelihood of students repeating the same performance.

LEARNING OUTCOMES (Category Performance)

Low Avg High

Wolters Kluwer

→ Constitutional Law





Abbey Wenck; StudentID: AWenck

Strengths and Improvement Opportunities

Constitutional Law 1

Course: Constitutional Law 1 • Instructor: N/A • Questions: 20
 StdDev = 2.21 • Mean = 17.87 • Median = 19 • Rank = 41/62 • Percentile Rank = 29.8387

85.00% **89.35%**

My Score
(17/20)

Average Score
(17.87/20)

Overall, you scored below the class average. Please take note of the areas, noted in yellow or red, where you may have opportunities for improvement.

MY SCORE	AVERAGE	SCORE RANGE	DOING WELL	NEEDS REVIEW	NEEDS IMPROVEMENT
MY SCORE	AVERAGE	CORRECT			
CATEGORY					
Presidential power and privilege in domestic affairs					
100.00%	93.55%	1	▲		
Commerce Clause powers					
100.00%	87.90%	2	▲		
Congress's powers under the Fourteenth Amendment					
100.00%	83.87%	1	▲		
Congress's powers under the Necessary and Proper Clause					
100.00%	83.87%	1	▲		
Congress's Spending Clause powers					
100.00%	91.13%	2	▲		
Executive power over foreign affairs					
100.00%	90.32%	2	▲		
Judicial review of federal and state laws and executive decisions					

QUESTION

● CORRECT
 ■ INCORRECT
 ■ PARTIAL CREDIT

POINTS

■ President Adams promises Marbury that he will appoint him to the next vacant judgeship in his administration. When the vacancy opens, it is that of the Chief Justice of the United States. Adams decides to appoint Marshall instead to become Chief Justice. Marbury sues in federal court claiming that the President promised him the vacancy. A reviewing court should find for:

0/1

X A:

X B: *Marbury, if he can demonstrate that he relied to his detriment on Adams's promise.*

✓ C: Adams, because the Constitution gives presidents the power to make appointments in his discretion, and exercise of that discretion is not reviewable by the court.

X D: Adams, because the President is immune from suit.

Rationale: The correct answer is C. The Court in *Marbury v. Madison* made a careful distinction between the judicial power to remedy violations of vested rights and its power to police exercises of discretion committed to political actors by the Constitution. The Constitution gives the President the power to make appointments; while Adams might be a cad for welching on his promise to Marbury, the latter had no right to the position and the Court has no role in supervising the President's exercise of his power.

Therefore, A is incorrect. Whether Marbury relied on Adams's promise or not has no bearing on whether the President's failure to appoint Marbury can be reviewed by a court, so B is incorrect as well. While the President does have some judicial immunity from lawsuits, it is not a blanket immunity from any and all lawsuits. Recommended Reading: page 3 of Constitutional Law, 4th Ed. by Chemerinsky.

Learning Outcomes: [Judicial review of federal and state laws and executive decisions](#)

● 2. Worried that federal judges lack the specialized expertise necessary to correctly decide cases involving new technology, Congress creates the federal Court of Technology, staffed with judges who are nominated by the President and confirmed by the Senate. Cases denominated "technology cases" in the statute must be filed in the new court. Appeals from the trial courts go to a new "Court of Technology Appeals" and are heard by panels of three Technology Appeals judges nominated by the President and confirmed by the Senate. In addition, the legislation creating these new courts removes technology cases from the appellate docket of the U.S. Supreme Court. Is the legislation constitutional?

1/1

X A: No, because there must be an appeal from the Court of Technology Appeals to the U.S. Supreme Court.

X B: No, because the Constitution does not grant Congress the power to set the original jurisdiction of lower courts.

✓ C: *Yes, under Article III.*

X D: Yes, as long as technology cases have a substantial effect on interstate commerce when aggregated.

Rationale: Article III, section 1 gives Congress the power to establish inferior federal courts. The Supreme Court has held that the power to create those courts implies a power to control their jurisdiction. Therefore B is incorrect. In addition, Article III, section 2 gives Congress the power to regulate the appellate jurisdiction of the Supreme Court, which would mean A is incorrect. While there is some debate whether Article III requires some federal judicial forum be available to hear cases listed in Article III, section 2, in this case there would be two: the Court of Technology and the Court of Technology Appeals. Nothing requires that the Supreme Court hear the case. D is incorrect because Congress's ability to create the courts and alter the jurisdiction of the Supreme Court is a power given in Article III; it does not depend upon Article I for its exercise. That leaves C, which is the best answer.

Recommended Reading: pages xlvi, 34-35 of Constitutional Law, 4th Ed. by Chemerinsky.

Learning Outcomes: [Judicial review of federal and state laws and executive decisions](#)

What modality of constitutional interpretation

+

-

Course Materials

West Academic

Wolters Kluwer - Connected Casebook

Wolters Kluwer - PracticePacks

West Academic



With CasebookPlus students will receive a print copy of the casebook along with lifetime digital access, self-assessments tied to the text, and additional digital study resources.

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CaseBookPlus - <http://eproducts.westacademic.com/casebookplus>



Wolters Kluwer - Connected Casebook

CasebookConnect.com features a full ebook version of the casebook an outline tool, and a study center filled with learning and self-assessment materials. All available on a computer, tablet or phone with internet access.

With purchase or rental of selected casebooks, students receive lifetime access to

CasebookConnect.com.

Video explains the features <http://bcove.me/uohh0tly>

The instructor side of Connected Casebook provides faculty with the means to gather their own student assessment data once they have added their class to the Casebook Connect website and students have begun to use the features in the study center such as flashcards, multiple choice questions, hypothetical short answer questions, essays, and issue-spotting exercises.

Help Center - Tips and Tutorials, Student FAQ, and a Faculty FAQ.
<https://www.casebookconnect.com/learnmore>

Connect with your students in a whole new way

CasebookConnect.com is the all-in-one learning solution that offers students a fully functional ebook version of the casebook with highlighting and note-taking features; a Study Center complete with practice questions from leading study aids such as *Examples & Explanations* and *Glannon Guides*; and an outlining tool to save students time as they create their own outline.

CasebookConnect.com now also offers you easy-to-use tools to connect and engage with your students. You can add content in the ebook, check student progress, and endorse questions in the Study Center. Whether you use all, some or none of these features, your students will gain a richer, more dynamic and interactive experience with CasebookConnect.com.



LINK

Add links directly into the text to enrich the readings for your students. These help keep your course current and engaging.



ANALYZE

When you set up a class on CasebookConnect.com, you gain access to the Class Insights page featuring a dashboard of class analytics that demonstrate your class's overall learning patterns and comprehension of the material.



ENDORSE

Review and endorse online problem sets and exercises to help your students assess their comprehension of the topics you deem most important.



Wolters Kluwer - PracticePacks

Brand, new set of a course-specific exercises that allow students to apply what they've learned to a practical set of problems.

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Offer a way to integrate a practical component into a course.

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PracticePacks offer some helpful teaching resources including: [an invaluable teaching plan with guidance on how and when to use the exercises](#); topics to spark classroom discussion; [suggestions on what doctrine, rules, and/or concepts to cover before each exercise](#); time estimates for reviewing exercises in class; [solutions to all the exercises](#); and [insights on grading and teaching methodologies](#), along with optional rubrics.

Wolters Kluwer - PracticePacks



PracticePacks give students up to 6 self-contained exercises that allow them to apply what they've learned to a practical set of problems.



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- Lesson Type: CALI Author

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Puppy Mills and the Animal Welfare Act

This tutorial will provide an overview of the regulation of commercial dog breeding under the Animal Welfare Act. This lesson is a beginner level tutorial. No prior knowledge of the Animal Welfare Act or commercial breeders or other special knowledge is needed.

[▶ Start lesson](#) [📖 Bookmark This](#)

Lesson Completion Time



**AutoPublish
Lesson**

Overview and Sources of Contract Law

Question 7

There is another hierarchy you should be familiar with. If there is both a federal statute and a state statute on point, which one has priority?

Federal Statute

State Statute

Next >

Overview and Sources of Contract Law

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LESSONS



EBOOKS



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Conference

Events

Current Lesson Runs

Past Lesson Runs

Your Current Lesson Runs

The table below shows you the CALI Lessons that you have run this semester, the date you last ran them, your score if any, your professor's name if you ran the Lesson via LessonLink, and a link to resume the Lesson unless it is marked as complete. Professor names in bold indicate you ran a custom CALI AutoPublish Lesson.

Lesson Title	Last Access	Score	Professor	Resume
Puppy Mills and the Animal Welfare Act	Thu 06/16/16 3:28 PM	41%		Complete
Analysis of a Diversity Case	Mon 06/06/16 1:21 PM	No Score Saved		Resume



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Detailed Score Report For Lesson: Puppy Mills and the Animal Welfare Act

Student Name: John Mayer


Last Access: Thu 06/16/16 3:28 PM

[Print certificate](#)

Lesson: ARL01 (06/01/2012)

You answered **5** out of **12** questions correctly for a score of **41%**.

Page Name	Question Type	Score	Your Answer
Cleaning and Sanitization Question	Multiple Choice/Choose List	RIGHT	A.
Commercial Breeders Question	Multiple Choice/Choose Buttons	MAYBE	Yes
Denial Question	Multiple Choice/Choose Buttons	RIGHT	Yes



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Detailed Score Report For Lesson: Puppy Mills and t... welfa

Student Name: John Mayer

Last Access: Thu 06/16/16 3:28 PM

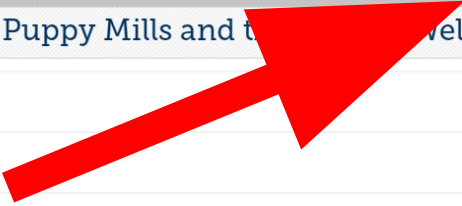
[Print certificate](#)

Lesson: ARL01 (06/01/2012)
You answered **5** out of **12** questions correctly for a score of **41%**.

Page Name	Question Type	Score	Your Answer
Cleaning and Sanitization Question	Multiple Choice/Choose List	RIGHT	A.
Commercial Breeders Question	Multiple Choice/Choose Buttons	MAYBE	Yes
Denial Question	Multiple Choice/Choose Buttons	RIGHT	Yes

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Mayer's Animal Law Course/GSU || Summer 2016

- View LessonLinks for this course.
- View LessonLink list for students.
- Add more LessonLinks to this course.
- Create LessonLinks for a new course.

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Lesson Title	Number of Runs	Click for Details	Download Results
Puppy Mills and the Animal Welfare Act	2	DETAILS	DOWNLOAD CSV

Student Name	Lesson Date	Saved Score	Answered	Correct
Mayer, John	2016-06-16 15:45:18	50%	2	1
Mayer, John	2016-06-17 05:47:50	100%	1	1

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Peerceptiv

It takes a while - students have to practice assessing AND get feedback on their assessing.

Students LEARN from the assessment and LEARN from doing the assessment on others.

<http://www.peerceptiv.com/wordpress/brief-tour-of-peerceptiv/>

Ankisrs.net / SpaceRepetition.com

Spaced repetition

From Wikipedia, the free encyclopedia

Spaced repetition is a [learning](#) technique that incorporates increasing intervals of time between subsequent review of previously learned material in order to exploit the psychological [spacing effect](#). Alternative names include *spaced rehearsal*, *expanding rehearsal*, *graduated intervals*, *repetition spacing*, *repetition scheduling*, [spaced retrieval](#) and *expanded retrieval*.^[1]

Although the principle is useful in many contexts, spaced repetition is commonly applied in contexts in which a learner must acquire a large number of items and retain them indefinitely in memory. It is, therefore, well suited for the problem of [vocabulary](#) acquisition in the course of second language learning, due to the size of the target language's inventory of [open-class](#) words.

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Founded by Professor Gabe Teninbaum/Suffolk

BarBri AMP

- What is it?
 - Assessments for MPRE and knowledge of black letter law
 - Website, iOS/Android apps
- Cost
 - Not purchased separately (included w/ institutional package)
- Ease of adoption
 - Few technical challenges
 - Detailed reporting interfaces
- What makes it unique?
 - Test of accuracy and response confidence



Torts

The "shopkeeper's privilege" allows a shopkeeper to avoid liability for false imprisonment when detaining a suspect that he reasonably believes has committed a theft.

The shopkeeper also must:

Conduct the detention in a reasonable manner and notify the police in a reasonable amount of time.

Detain the suspect for only a reasonable time and notify the police in a reasonable amount of time.

Conduct the detention in a reasonable manner, detain the suspect for only a reasonable time, and notify the police in a reasonable amount of time.

Conduct the detention in a reasonable manner and detain the suspect for only a reasonable time.

I AM SURE

(drag and drop your answer here)

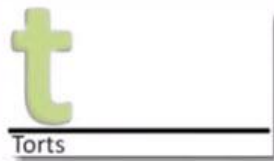
(requires two answers)

(drag first answer here)

(drag second answer here)

I DON'T KNOW YET

[Submit Answer](#)



To establish a prima facie case of assault, a plaintiff must prove the _____.

- plaintiff had fear or intimidation
- defendant had the actual ability to cause injury to the plaintiff
- plaintiff had knowledge of the defendant's identity
- plaintiff had a reasonable apprehension

I AM SURE

plaintiff had fear or intimidation

I AM PARTIALLY SURE
(requires two answers)

(drag first answer here)

(drag second answer here)

I DON'T KNOW YET

Submit Answer

t

Torts

To establish a prima facie case of assault, a plaintiff must prove the _____.

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defendant had the actual ability to cause injury to the plaintiff

plaintiff had knowledge of the defendant's identity

plaintiff had a reasonable apprehension

I AM SURE

plaintiff had fear or intimidation

I AM PARTIALLY SURE
(requires two answers)

(drag first
answer here)

(drag second
answer here)

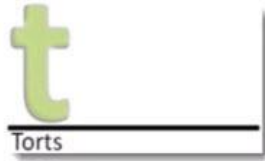
I DON'T KNOW YET

You are Incorrect

Next Question >

[REVIEW ANSWERS](#)**Your Answer was Incorrect**

Question 2 of 8



The doctrine of transferred intent may **not** be invoked for which of the following torts?

Correct Answer:

Your answer: You were incorrect

Click the arrow to the right to see the explanation



EXPLANATION

[Additional Learning](#)**Correct Answer**

Intentional infliction of emotional distress

Explanation

The doctrine of transferred intent may **not** be invoked for **intentional infliction of emotional distress**.

The doctrine of transferred intent permits an intent to commit a tort against one person to be transferred to another tort or person. It may be invoked for **battery, false imprisonment, and trespass to chattels**. Transferred intent may be invoked only if the tort intended and the tort that results are one of the following:

1. Assault;
2. Battery;
3. False imprisonment;
4. Trespass to land; and
5. Trespass to chattels.

QUESTION ID: T0028

Additional Learning

I. INTENTIONAL TORTS

A. PRIMA FACIE CASE

* * *

2. Intent

The requisite intent for this type of tort liability may be either specific or general.

a. Specific Intent

An actor "intends" the consequences of his conduct if his **goal** in acting is to bring about these consequences.

b. General Intent

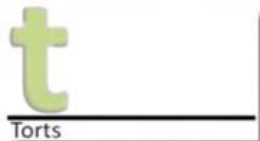
An actor "intends" the consequences of his conduct if he **knows with substantial certainty** that these consequences will result.

Example: D, five years old, pulls a chair out from under P as she is sitting down. Even if D did not desire that she hit the ground, if he knew with substantial certainty that she was trying to sit and would hit the ground, he will have the intent necessary for battery. [Garratt v. Dailey, 279 P.2d 1091 (Wash. 1955)]

c. Actor Need Not Intend Injury

The intent of the actor that is relevant for purposes of intentional torts is the intent to bring about the consequences that are the basis of the tort. Thus, a person may be liable even for an unintended injury if he intended to bring about such "basis of the tort" consequences.

Example: A intends to push B and does so. B falls and breaks his arm. This conduct gives rise to a cause of action for battery. The "consequences" that are the basis of this tort are harmful or offensive contact to the plaintiff's person. In this case,



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The shopkeeper also must:

Conduct the detention in a reasonable manner and notify the police in a reasonable amount of time.

Detain the suspect for only a reasonable time and notify the police in a reasonable amount of time.

Conduct the detention in a reasonable manner, detain the suspect for only a reasonable time, and notify the police in a reasonable amount of time.

Conduct the detention in a reasonable manner and detain the suspect for only a reasonable time.

I AM SURE

(drag and drop your answer here)

I AM PARTIALLY SURE

(requires two answers)

Conduct the detention in a reasonable manner and detain the suspect for only a reasonable time.

Conduct the detention in a reasonable manner, detain the suspect for only a reasonable time, and notify the police in a reasonable amount of time.

Submit Answer

t

Torts

The "shopkeeper's privilege" allows a shopkeeper to avoid liability for false imprisonment when detaining a suspect that he reasonably believes has committed a theft.

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Conduct the detention in a reasonable manner and detain the suspect for only a reasonable time.

I AM SURE

(drag and drop your answer here)

I AM PARTIALLY SURE

(requires two answers)

Conduct the detention in a reasonable manner, detain the suspect for only a reasonable time, and notify the police in a reasonable amount of time.

Conduct the detention in a reasonable manner and detain the suspect for only a reasonable time.

One Answer is Correct

Next Question >

Torts - Intentional Torts

Question Set 2 | Question 5 of 8

t

Torts

Which of the following is correct regarding self-defense?

Retaliation may be permissible.

Deadly force may be permissible.

Retreat is required.

Actual necessity is required.

Total Questions: 20

Mastered: 1

After you have answered a question "I am Sure" and correct twice, the question is mastered. You won't see that question again.

Congratulations, you just mastered your first question!



close [X]

I AM PARTIALLY SURE
(requires two answers)

(drag first
answer here)

(drag second
answer here)

I DON'T KNOW YET

You are Correct

Next Question >

Torts - Intentional Torts

Question Set 5 | Question 6 of 8



Torts

Which of the following intentional conduct by the defendant constitute a trespass to land?

Exploding a mine on his own land which causes concussion to plaintiff's land.

Chasing someone from his own land onto the plaintiff's land causing damage.

Throwing a rock onto a plaintiff's driveway which causes no damage.

Flooding his own land which causes water damage to the plaintiff's land from the overflow.

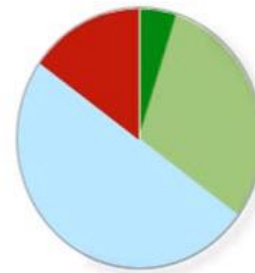
Total Questions: 20

Mastered: 1

Overall Progress

Torts - Intentional Torts

Total questions: 20



Mastered	(1)
Nearing Completion	(6)
In Progress	(10)
Incorrect	(3)
Not Yet Seen	(0)

Close

I DON'T KNOW YET

Submit Answer

Torts - Intentional Torts

Review Assignment: 20 Questions

Expand All | Collapse All

Answer History

4 The defense of consent is **not** available if:

The plaintiff consented due to a mistake induced by the defendant.

[Go to Explanation >](#)

▶ The shopkeeper also must:



▶ To establish a prima facie case of battery, which of the following must a plaintiff prove?



▶ Which of the following intentional torts requires proof of actual damages?



▶ Which of the following statements is true as to the right of a plaintiff to recover for intentional infliction of emotional distress ...



▶ For a prima facie case of assault, the element of apprehension may not be established by _____.



▶ Which of the following is required to raise the defense of defense of others?



▶ Under the transferred intent doctrine, the defendant is liable for _____.



▶ Force may not be used by _____.





*Based on completed assignments only.

Legend:



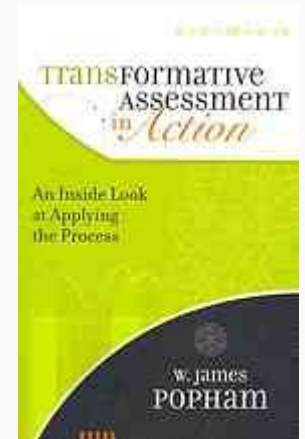
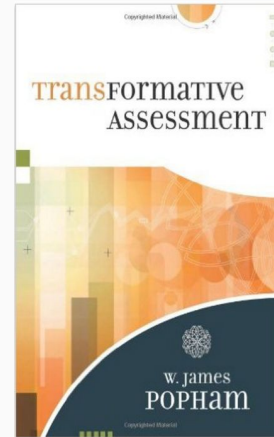
To be continued...(join us!)

CALI Assessment SIG

jmayer@cali.org

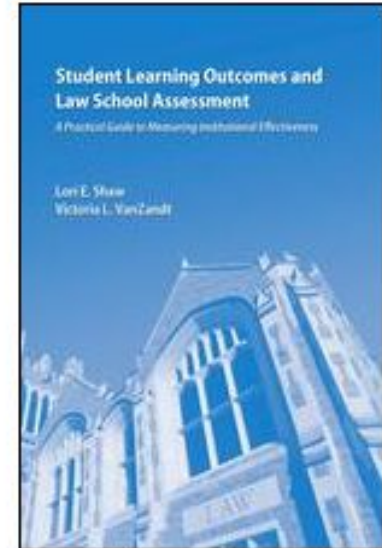
Recommended Reading

Popham, W. James, Transformative assessment in action : an inside look at applying the process
ASCD: Alexandria, VA 2011



Recommended Reading

Student Learning Outcomes and Law School Assessment: A Practical Guide to Measuring Institutional Effectiveness
Shaw & VanZandt - Carolina Academic Press 2015



Links

<http://lawteaching.org/conferences/2014assessment/>

<https://bestpracticeslegaled.albanylawblogs.org/?s=Assessment>

<http://www.lawschool2.org/l2/assessment/>