

## A REVISED CONCEPT CHART: HELPING STUDENTS MOVE AWAY FROM A CASE-BY-CASE ANALYSIS

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One of the most challenging tasks I have faced in teaching first-year legal research and writing is moving the students away from a case-by-case analysis of the law in a memo toward a thesis or factor-based analysis. However, I have found that the use of a typical case chart has often hindered my ability to succeed in this endeavor. By requiring the students to list the relevant cases in the first column and then asking them to fill in the facts and relevant factors considered by each court in the subsequent columns, the traditional case chart still focuses the students’ attention first on the individual cases, rather than on legal concepts flowing from those cases.

### Example 1: The Traditional Case Chart

CASE NAME	FACTS	FIRST FACTOR	SECOND FACTOR	OUTCOME
Case A				
Case B				
Case C				

The typical student, after completing a traditional case chart such as the one shown in Example 1, will often immediately begin a discussion of the law in a memo by first mentioning Case A, then discussing the facts of Case A, the relevant factors addressed by the court in Case A, and then the outcome of Case A. This will then likely be repeated for Case B, and so forth, with little, if any, attempt to synthesize those cases. In my teaching experience, so long as the case chart’s primary focus in the first column was upon the individual cases, it was difficult for novice legal writers to move away from a case-by-case discussion of the law in their memos.

In an effort to remedy this method of case-by-case discussion in a memo, I quickly designed in class a revised concept chart that helps to focus the

students’ attention not so much on the individual cases, but on the various legal concepts flowing from the cases.

### Example 2: The Revised Concept Chart

RELEVANT FACTOR	FACTOR-RELATED FACTS	OUTCOME OF FACTOR	CASE NAME	MISC. INFORMATION
<i>Probable cause</i>	Security guard witnesses theft of item	Satisfied	Case A	
<i>(same)</i>	Third party informs security guard of apparent theft	Satisfied	Case B	
<i>(same)</i>	Security guard witnesses shopper running out of store	Not satisfied	Case C	
<i>Reasonableness of the detention</i>	Suspected shoplifter detained for four hours	Not satisfied	Case A	
<i>(same)</i>	Suspected shoplifter detained for 30 minutes until police arrived	Satisfied	Case B	
<i>(same)</i>	Suspected shoplifter handcuffed in front of other customers	Not satisfied	Case D	

I first used the revised concept chart shown in Example 2 in a semester where my memo assignment required the students to grapple with the issue of whether, and to what extent, a shopkeeper may lawfully detain a suspected shoplifter.<sup>1</sup> After the students had found and reviewed the relevant case law, I asked them to tell me what factors the courts generally consider when resolving this issue. The students properly responded that the relevant factors are whether the shopkeeper had probable cause to believe a

<sup>1</sup> The students’ assignment required them to research the shopkeepers’ privilege as a defense to a false imprisonment claim under New Jersey law. While the information included in the chart is generally based on actual New Jersey cases, I have simplified the facts and omitted case names for demonstration purposes.

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shoplifting had occurred, and whether the detention itself was reasonable.

I then told the students to review their pile of cases quickly and write on top of each case which factor or factors the court considered in rendering its decision and whether each factor considered was satisfied in that case. I then asked the students to put in a pile all of the cases that addressed the first factor, probable cause.

We then turned to the chart where I entered probable cause in the far left column of the chart in an effort to focus the students' attention first on that factor. Once I entered the probable cause factor, I completed the next two columns of the chart by asking the students to tell me the factor-related facts from each case, as well as whether the probable cause factor had been satisfied in each case. Only after I gathered this information did I ask the students for the individual case names from which this information came. I then entered into the final column any other relevant information the students wished to include about the factor or the case. This revised chart thus has as many probable cause rows as there are relevant cases discussing probable cause.

Once we had gone through each of the cases that addressed the probable cause issue, I moved on to the second factor, the reasonableness of the detention. I began by asking the students to put in a pile all of the cases that addressed the reasonableness of the detention. Many of the cases addressed both the probable cause and the reasonableness factors. We then completed the chart in the same manner as we did for the first factor.

When viewing the completed chart from left to right, the students were immediately able to see how a discussion of the law should be organized. They were able to compare the fact patterns of the cases and develop theses upon which to organize their discussions. For example, when addressing the probable cause factor, the students looked at the chart and were able to see that in situations where a security guard witnesses the theft or is informed of the theft by a third party, probable cause will be present. Rather than consider each case individually, the grouping of similar cases seemed to flow naturally from the chart.

While this revised concept chart will likely be lengthier than the traditional case chart and will

require a bit more advance preparation, I believe that the results are well worth the extra effort. After completing the chart, the students understood how much more sense it made and how relatively easy it is to organize by concept rather than by case.

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