Writing Center WORKSHOP EVALUATION. Please take the time to fill this out; you can hand it in at the end of the workshop or leave it in Academic Success. Thanks again.


1. Something I enjoyed about today’s workshop:

2. The most important thing I learned in the workshop:

3. Would you change something to improve the workshop for next time?

4. General comments about presenter or workshop . . .
1. How do you organize your work? What devices do professors suggest for keeping your work organized?

2. See IRAC on next page and list what you know about the elements.

3. See Assault and Battery fact pattern, including a page with the applicable rules of law, and apply it to the IRAC format.

4. What do you know about making a formal outline?

5. See Outline Handout
   a. Review elements of formal outline
   b. See outline as applied to burglary situation
   c. Review example and write a one sentence conclusion

6. See additional Handout of Common Rule Structures
Write as much as you can about each element of IRAC organization. Add and/or expand any elements or options as needed.
Allan and Bailey were participants in the filming of a movie inside a bar. The script called for Allan to appear to throw a bottle (which was actually a rubber prop) at Bailey. They had altered the fluorescent lighting at the bar, replacing the subdued blue lights with rather bright white lights. The cameraperson had stationed herself just to the left of the swinging doors which served as the main entrance to the bar. As the scene was unfolding, Carl, a regular patron of the bar, unwittingly walked into it. The guard, who had been stationed immediately outside the bar, had momentarily left his post to visit the restroom. As Carl pushed the barroom doors inward, the left door panel knocked the camera to the ground with a resounding crash. The first (and only) thing that Carl saw, however, was Allan (who was about five feet from Carl) getting ready to throw the bottle at Bailey, who was at the other end of the bar (about fifteen feet from Allan). Without hesitation, Carl pushed Allan to the ground and punched him in the face. Plastic surgery was required to restore A’s profile to its Hollywood-handsome pre-altercation form.

Discuss Allan’s right against Carl: Did Carl commit an assault and battery upon Allan?

Define the pertinent principles of law in this case then proceed.
• Assault and Battery
• Prevention-of-crime privilege
• Defense-of-others privilege.
Examples of Rules of Law
Applicable to Fact Pattern Above

1. Under the rule defining the **prevention-of-crime privilege**, if one sees that someone is about to commit what she reasonably believes to be a felony or misdemeanor involving breach of the peace, she may exercise whatever degree of force is reasonably necessary under the circumstances to prevent that person from committing the crime.

2. Under the rule defining **defense-of-others privilege**, where one reasonably believes that someone is about to cause an offensive contact upon a third party, she may use whatever forces is reasonably necessary under the circumstances to prevent contact. Some jurisdictions, however, limit this privilege to situations in which the actor and the third party are related.

3. Assault and Battery: Respectively 1) causing a person to be reasonably in apprehension of an imminent, offensive contact; 2) causing an offensive contact upon a person.
Apply the IRAC organizational method to the assault and battery fact pattern. Add and/or expand any elements or options as needed.
The End
GUIDELINES FOR CONSTRUCTING A FORMAL OUTLINE

1. Put the thesis\(^1\) at the top.

2. Make items at the same level of generality and as parallel\(^2\) as possible.

3. Be clear: whether you use sentences or phrases, be consistent and clear.

4. Use the conventional system of numbers and letters for the levels of generality.

5. Always use at least two subdivisions for a category, since nothing can be divided into fewer than two parts (if you have I., you must have II.; if you A., you must have B., and so on.) There is no maximum as long as one uses common sense.

6. Limit the number of major sections in the outline; if the list of roman numerals begins to look like a laundry list, find some way of clustering the items into a few major categories with more subcategories.

7. Be flexible; in other words, be prepared to change your outline as your drafts evolve. An outline of any kind is not ironclad.

8. Generally speaking, the headings should have content and should not be labels. Not: “There are three very important arguments against space disposal of nuclear waste.” But: “Space disposal of nuclear waste is unthinkable.” The three reasons are then placed in subcategories of equal importance.

9. Thesis

   I. The first main topic

\(^1\) Take thesis to mean any of the following; the topic of your writing; the point it makes; and so on.

\(^2\) Grammatical similarity of words or phrases used in lists or list-like constructions.

Let’s take a look at an actual outline. It is a simple subject with perhaps more of a detailed treatment than you’d expect, but it shows a specific instance of outline use. An outline like this might help with essay questions, for example, and, as the author of this outline pointed out to me, in a situation where there is not enough time to complete the essay, the presence of a detailed outline might help the professor evaluate the work more highly.
A. The first subtopic

B. The second subtopic
   1. The division continues
   2. And Continues
      a. And Continues
      b. And Continues

II. The second main topic
A. Subtopic One
B. Subtopic Two
   1. Further subtopic One
   2. Further subtopic Two
      a. Continue
      b. Continue

Conclusion

Now,

Outlining a Rule and applying it to a factual scenario

The police have charged Gerald Shaffer with criminal assault on his wife. Because Mr. Shaffer forcibly entered his estranged wife’s house, the police want to know whether they can also charge Mr. Shaffer with burglary. (This is a limited factual scenario and may be missing necessary facts to absolutely prove each element of burglary)

Did Mr. Shaffer’s acts constitute burglary? Burglary is the breaking and entering into the dwelling of another, in the nighttime, with the intent to commit a felony (or any larceny) therein.

I. Breaking
   A. Application (of the facts to the rule of law)—The “Breaking” element of burglary is sufficiently satisfied by the proof that an individual, or an instrument used as an extension of that
individual, broke the plane of the structure. Here, Mr. Shaffer satisfies the element of “Breaking” by his forceful entry. The operative term in the stated facts is “forcibly” as pertaining to his entering the structure. “Forcibly” denotes breaking the plane prior to actual entrance. “Forcibly” also supports the understanding that Mr. Shaffer was uninvited and that he has no right to entry.

B. Conclusion—The phrase “forcibly entered” denotes that Mr. Shaffer broke the plane of the structure prior to his entrance. Barring any new facts to the contrary, Mr. Shaffer’s conduct satisfies the element of Breaking.

II. Entering

A. Application—The “Entering” element to the crime of burglary is satisfied by a subsequent entry into the structure after the “Breaking” act. Sometimes “Breaking” and “Entering” are satisfied by the same act, such as running through a door knocking it ajar and simultaneously entering the structure. Here, the facts do not provide enough information as to whether Mr. Shaffer’s acts were separate and distinct or one act, but it is known that he did enter the structure. The facts, as provided, are abundantly clear that Mr. Shaffer “entered” the dwelling.

B. Conclusion—Mr. Shaffer’s acts satisfy the “Entering” element of Burglary.

III. Dwelling

A. Application—The common law has generally defined “Dwelling” as any structure that is a home to an individual or any structure that is within the curtilage to the primary home, such as an outhouse or shed. Here, we are not concerned with the structure being “within the curtilage” because the structure is stated to be the home and dwelling of Mr. Shaffer’s estranged wife.

B. Conclusion—Mr. Shaffer’s acts occurred in his estranged wife’s dwelling.

IV. Of another

A. Application—The common law definition of the “of another” element of burglary only provides for satisfaction when the person accused breaks and enters the dwelling of another person; therefore, one cannot be guilty of burglary if he or she

12
breaks into his or her own dwelling. However, courts have extended this element to roommates breaking into an interior room as long as all the other elements have been satisfied. Here, the important question is whether “estranged wife” means that Mr. and Mrs. Shaffer were not living together. If the dwelling is also Mr. Shaffer’s dwelling, it is presumed that this element cannot be satisfied; however, if the structure is not Mr. Shaffer’s dwelling, the “of another” element is satisfied. Typically, “estranged” means separated or living apart, thus it would seem that the dwelling is not the dwelling of Mr. Shaffer.

B. Conclusion—Mr. Shaffer’s acts satisfy the “of another” element of burglary.

V. In the nighttime

A. Application—a discussion of the common law rule of in the nighttime. The facts do not stipulate the time of the act, does this matter? Is this element still valid?

B. Conclusion: unknown

VI. Intent to commit a felony (or any larceny) therein

C. Application—a discussion of whether the assault is a felony.

D. Conclusion

Conclusion of whether Mr. Shaffer’s acts constitute burglary. Why or why not?
Additional Common Rule Structures

1. **A rule that sets out a test with mandatory elements.** (Burglary rule is an example). Burglary is the breaking and entering into the dwelling of another, in the nighttime, with the intent to commit a felony (or any larceny) therein.

2. **A rule that sets out and “either/or” test.** Example: A lawyer shall not collect a contingent fee in a criminal matter or a divorce.

3. **A rule that sets out a flexible standard guided by certain criteria or factors.**
   
   Example: Child custody shall be decided in accordance with the best interests of the child. Factors to consider in deciding the best interests of the child are the following: the fitness of each possible custodian; the appropriateness for parenting of the lifestyle of each possible custodian; the relationship between the child and each possible custodian; the placement of the child’s siblings, if any; living accommodations; the district lines of the child’s school; the proximity of extended family and friends; religious issues; any other factors relevant to the child’s best interests.

4. **A rule that sets out a balancing test, balancing countervailing considerations against each other.** Example: A party must respond to properly propounded interrogatories unless the burden of responding substantially outweighs the questioning party’s legitimate need for information.

5. **A rule with one or more exception(s).** Example: A lawyer shall not prepare any document giving the lawyer a gift from a client except where the gift is insubstantial or where the client is related to the lawyer.

6. **A rule with no elements, factors, or other subparts.** Example: To be valid, a will must be signed.