

## **EXAMPLES OF ISSUES CHECKLIST & MEMORIZATION ATTACK SHEET**

Once you've done your long outline, turn it into two documents that will help you focus your exam writing, an Issues Checklist (Shopping List or Toolbox) & a Memorization Attack Sheet. Below are just examples. You would create yours based upon what you had covered in your classes and what you will be tested on on the final.

### **Issues Checklist for Torts**

#### **INTENTIONAL TORTS (Use only the ones on this list that the fact pattern provides evidence for)**

Battery

Assault

IIED

False Imprisonment

Trespass to Land

Trespass to Chattel

Conversion

#### **INTENTIONAL TORT DEFENSES**

Consent (part of Prima Facie for Battery)

Self-defense

Defense of others

Defense of property

Recapture chattels

Shopkeeper's Privilege

Arrest

Necessity

#### **NEGLIGENCE**

Duty of Care

Breach

Causation

    Actual Cause

    Proximate (legal) Cause

Harm

## MEMORIZATION ATTACK SHEET

### INTENTIONAL TORTS

#### Battery

- Intentional
- Harmful or Offensive
- Contact

#### Assault

- Intentional
- Causing Apprehension of
- Imminent
- Harmful/offensive contact

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### NEGLIGENCE

#### Duty of Care

- Act – duty of care
  - Omission to Act – Need duty
  - Special Relationships  
(list those here)
  - **General Standard –**  
“Reasonable person”
    - Foreseeable Ps (Cardoza)
    - Unforeseeable Ps (Andrews)
  - **Exceptions**
    - Children – rule goes here
    - Physical disability – rule goes here
    - Mental disability – generally not consider – reasonable person
- Etc...

#### BREACH

- Failure to meet standard of care – BPL (explain)
- Violate Statute – per se (explain)
- Res Ipsa Loquitur (explain)

Etc. . .