**Civil Procedure Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Professor Perkins**

**TITLE Final Exam**

**SUBTITLE Self-Assessment**

This exercise is designed to help you maximize the value of your work on the final exam by critically assessing strengths and identifying specific areas of concern.

If you sign-up for a conference to discuss the final exam, you must submit this self-assessment to me (in hard copy or by email) \*\*at least twenty-four hours prior to your conference\*\*. Bring a copy of your exam (which you can retrieve from Janet Wright) and this self-assessment and with you to the conference.

**# Step 1 – Essay No. 1 Prompt**

Re-read the prompt for Essay No. 1. If you notice anything that you did not notice during the assessment, note it here.

**# Step 2 – Your Answer**

Read your answer from beginning to end without stopping to read the comments. Write five words that describe your overall impression of your answer.

**# Step 3 – Essay No. 1 Rubric**

Carefully read the rubric for Essay No. 1. Do not skim it. Take the time to be sure you understand its discussion of the law, the law’s application, and the recommendations for organizational structure.

1. List the most important thing you discovered in the rubric.
2. Is there anything in the rubric that you do not understand? If so, list it here.
3. Is there anything in the rubric that you understand but that you are unsure of how to apply? If so, list it here.

**# Step 4 – The Comments**

Read the comments. Note that while no set of comments can, or even should, address all aspects of an answer, in general, the comments provided fall into two categories: (1) addressing the most significant opportunities for clarifying and improving the answer, or (2) addressing minor, easy fixes, sometimes relating to format and style. While the later were rarely intentionally factored into the score, making those minor adjustments will go a long way toward providing smoother sailing for your reader. Be aware that significant grammar and writing concerns fall in the first, not the second, category. When the writing is unclear, it obfuscates the analysis. The reader’s role is not to guess at or draw inferences regarding the writer’s intended meaning.

1. Are there any common themes among the comments?
2. Are there any comments you are unable to read? If so, put a star next to them on your answer. Discuss them with Professor Perkins during the exam workshop or in her office prior to any scheduled conference.
3. Are there any comments that you understand but are unsure of how to apply? If so, list them here.

**# Step 5 – Focus on Organization**

Organizational structure is an important aspect of assessment drafting. Following sound structure will help ensure that your answer is complete. It will also make it easy for your reader to identify and fully credit you for different aspects of your answer.

In the left margin of your assessment, “IRAC” your answer by writing “I” next to your issue statement (or “C” next to your conclusion), “R” next to your rule statement, “A” next you’re your application section, and “C” next to your final conclusion.

1. The rubric provides the one possible organizational structure for the essay answer. Explain your organizational structure here.

1. Examine each subsection in your answer. What issue is addressed in each subsection? Do you have a clear mini-rule statement and application section for each of those issues?
2. Is it clear to the reader when the discussion moves from one topic to the next? If not, how can this be made more clear?
3. Did you write a final Conclusion for the entire essay answering the supervising attorney’s question?

**# Step 6 – Focus on Common Errors**

1. Did you clearly explain how a federal court will determine the substantive law when it appears to be unsettled in the applicable state jurisdiction?
2. When analyzing whether the federal court will find that Oregon law permits an airplane component manufacturer to be held liable in a wrongful death suit, did you address counterarguments? If not, what counterarguments are available?
3. Did you address what certification is and what would happen if it were applied in this case? If not, explain this here.
4. Did you intermingle Eerie *Erie* analysis with your answer? If so, explain why Eerie *Erie* is not applicable here.
5. Does your answer appear to suggest that whether an airplane component manufacturer can be held liable in a wrongful death suit is a choice of law rule? If so, explain why it is not a choice of law rule.

**Part 3 – Essay No. 2**

**Step 1 – Essay No. 2 Prompt**

Re-read the prompt for Essay No. 2. If you notice anything that you did not notice during the assessment, note it here.

**Step 2 – Your Answer**

Read your answer from beginning to end without stopping to read the comments. Write five words that describe your overall impression of your answer.

**Step 3 – Essay No. 2 Rubric**

Carefully read the rubric for Essay No. 2. Do not skim it.

1. List the most important thing you discovered in the rubric.
2. Is there anything in the rubric that you do not understand? If so, list it here.
3. Is there anything in the rubric that you understand but that you are unsure of how to apply? If so, list it here.

**Step 4 – The Comments**

Read the comments.

1. Are there any common themes among the comments?
2. Are there any comments you are unable to read? If so, put a star next to them on your answer. Discuss them with Professor Perkins during the exam workshop or in her office prior to any scheduled conference.
3. Are there any comments that you understand but are unsure of how to apply? If so, list them here.

**Step 5 – Focus on Organization**

In the left margin of your assessment, “IRAC” your answer by writing “I” next to your issue statement (or “C” next to your conclusion), “R” next to your rule statement, “A” next you’re your application section, and “C” next to your final conclusion.

1. The rubric provides the anticipated organizational structure for this essay. Compare this structure with the structure of your essay. List any missing components.
2. Examine each subsection in your answer. What issue is addressed in each subsection? Do you have a clear mini-rule statement and application section for each of those issues?
3. Is it clear to the reader when the discussion moves from one topic to the next? If not, how can this be made more clear?
4. Did you write a final Conclusion for the entire essay answering the supervising attorney’s question?

**Step 6 – Focus on Common Errors**

1. The prompt requests that you “examine whether the Florida state court is likely to find Luca’s contacts satisfy the purposeful availment requirement.” Does your issue statement reflect this narrow issue? If not, rewrite your issue statement here.
2. Is your Big Rule tailored to this narrow issue?

1. Compare your rule statement for purposeful availment with the notes regarding the rule in the rubric. Is your statement complete and accurate? If not, what information is missing or requires revision?
2. Did you discuss the adequacy of Luca’s single physical contact with Florida and explain that absent further physical contacts, a finding of purposeful availment must rest on a substitute theory?
3. For any purposeful availment theories that were givens, did you explain why they did not apply using information from the prompt?
4. Compare your rule statement for contract theory with the notes regarding the rule in the rubric. Is your statement complete and accurate? If not, what information is missing or requires revision?
5. Did you explain that in Burger King, the parties agreed to Florida law, but that while this choice of law provision was found relevant to the analysis, it was not found determinative? Did you draw an explicit comparison between the Florida choice of law provision in this case and the provision in Burger King?
6. Did you compare the contemplated length of the contractual relationship in Burger King with the contemplated length of the relationship in this case?
7. Did you compare the “reaching out” or initiation of the relationship by the defendant in Burger King with the initiation of the relationship by the defendant in this case?
8. Did you compare the absence of Mario’s ongoing involvement in Messinscena Wines, Inc. with the ongoing involvement of Burger King in the franchise’s business?
9. In addition to discussing the payment terms in Luca’s contract, did you explain that two payments were made in Florida and that the contract was breached in Florida when Luca failed to tender payment? Did you draw explicit comparison with the payment terms, payments, and breach in Burger King?
10. Did your discussion of the facts of the prompt explicitly focus on Luca’s connections with Florida? (E.g. it is not important that Luca failed to make a payment, it is important that Luca failed to make a payment in Florida.)
11. Did you make any erroneous factual statements about Burger King or this case?
12. Did you discuss any irrelevant law, such as subject matter jurisdiction, venue, traditional bases for personal jurisdiction, relatedness, or reasonableness?

**Part 4 – Essay No. 3**

**Step 1 – Essay No. 3 Prompt**

Re-read the prompt for Essay No. 3. If you notice anything that you did not notice during the assessment, note it here.

**Step 2 – Your Answer**

Read your answer from beginning to end without stopping to read the comments. Write five words that describe your overall impression of your answer.

**Step 3 – Essay No. 3 Rubric**

Carefully read the rubric for Essay No. 3. Do not skim it.

1. List the most important thing you discovered in the rubric.
2. Is there anything in the rubric that you do not understand? If so, list it here.
3. Is there anything in the rubric that you understand but that you are unsure of how to apply? If so, list it here.

**Step 4 – The Comments**

Read the comments.

1. Are there any common themes among the comments?
2. Are there any comments you are unable to read? If so, put a star next to them on your answer. Discuss them with Professor Perkins during the exam workshop or in her office prior to any scheduled conference.
3. Are there any comments that you understand but are unsure of how to apply? If so, list them here.

**Step 5 – Focus on Organization**

In the left margin of your assessment, “IRAC” your answer by writing “I” next to your issue statement (or “C” next to your conclusion), “R” next to your rule statement, “A” next you’re your application section, and “C” next to your final conclusion.

1. The rubric provides the one possible organizational structure for the essay answer. Explain your organizational structure here.
2. Examine each subsection in your answer. What issue is addressed in each subsection? Do you have a clear mini-rule statement and application section for each of those issues?
3. Is it clear to the reader when the discussion moves from one topic to the next? If not, how can this be made more clear?
4. Did you write a final Conclusion for the entire essay answering the supervising attorney’s question?

**Step 6 – Focus on Common Errors**

1. Did you properly refer to Charley’s potential claim against Loman as a counterclaim, not a crossclaim? If not, explain the difference between a counterclaim and a crossclaim here.
2. Does your rule statement suggest that Rule 18 is applicable? If so, quote Rule 18(a) here. Explain why Rule 18(a) is not applicable.
3. When analyzing Charley’s potential claim against Stark, did you include Rule 13(h)? If not, quote Rule 13(h) here. Explain why Rule 13(h) applies.
4. Did you conduct same transaction or occurrence analysis? If so, did you explain the logical relationship test before applying it?
5. Recall that Rules 14, 19, and 24 were not subject to examination on Assessment No. 3. Does your answer analyze the application of any of these rules? If so, explain why the rules were addressed?
6. The essay prompt explicitly states that personal jurisdiction, subject matter jurisdiction, and venue should not be discussed. Does your answer address one of these issues? If so, explain why the issues were addressed.

**Part 5 – Take Aways**

1. Review your work in Parts 2, 3, and 4. Are there any lingering questions regarding the specific issues related to choice of law following transfer, purposeful availment, joinder of counterclaims, or joinder of third parties to counterclaims? If so, list them here.
2. Review Step 5 of Parts 2, 3, and 4. Consider how you can build on this experience when organizing your answers on future assessments. List at least one strategy for improving organizational structure.
3. Review the common themes identified in Step 4 of Parts 2 3, and 4.
   1. What are your two biggest opportunities to improve your understanding of civil procedure?
   2. What are your two biggest opportunities to improve your legal analysis in an essay exam format?

**Part 6 – Reviewing Assessment Preparation**

1. List all of the ways you prepared for Assessment No. 3, including all resources used.
2. Outside of the time spent preparing for class and reviewing your notes, approximately how much time did you spend preparing for Assessment No. 3?
3. Did you attend any of the workshops offered by the Teaching Fellows? If so, which ones?
4. If you did not attend the workshops offered, did you work the practice problems from the workshops and meet separately with a fellow to discuss them?
5. If you did not attend a workshop or write a practice problem for the workshops, why did you choose not to do so?
6. Describe what method of preparation you found to be most effective.
7. Describe any methods of preparation you found to be less helpful than anticipated.
8. With the benefit of hindsight, list the ways you would advise a future student to prepare for Assessment No. 3.

**Part 7 – Reviewing Essay Strategies**

1. List each test taking strategy you employed during Assessment No. 3.
2. Explain which two strategies proved to be most effective.
3. Explain all strategies that proved to be less effective than you anticipated.
4. List any challenges, other than any gaps in knowledge or understanding, encountered during the assessment. For each challenge identified, discuss ways to address that challenge in future assessments.
5. With the benefit of hindsight, list the strategies you would most highly recommend to future students preparing to take an essay assessment.

**Part 8 – Preparing for the Conference**

Review your work on this self-assessment.

1. Write the date of your appointment here.
2. Write an agenda for your meeting here**.** Prioritize your agenda according to your areas of greatest concern so that we can triage your answer. (It is important that we begin with and spend the most time on any gunshot wounds before we turn our attention to less serious matters. There is no sense in bleeding out while we try to pull a splinter from a finger.) Add more lines to the Agenda if needed.

**AGENDA**



**Part 9 – Meeting with the Writing Specialist**

1. Did you receive comments regarding grammar?

2. Did you receive other comments regarding your word choice?

3. Did you receive other comments regarding the clarity of your analysis that may have resulted from composition errors or concerns?

4. If so, schedule an appointment with Dr. Keefer to discuss strategies for improving the clarity of your writing. Write the date of your appointment here.

5. Write your agenda for your meeting with Dr. Keefer here. Add more lines to the Agenda if needed.

**AGENDA**



**Part 10 – Pat Yourself on the Back**

Thank you for your careful attention to the feedback provided through the rubric and written comments. Congratulations on completing Civil Procedure!