

## UNDERSTANDING MCQ's – EPISODE 4

### SLIDE 1.

Hello, this is Professor Dodge. Welcome to Episode 4 of “Understanding MCQ's.” Understanding MCQ's is a series of six short videos designed to help you master Purdue Global Law School's multiple-choice questions.

If you haven't viewed the first three Episodes, please view Episodes 1, 2, and 3 before viewing this Episode, as the complexity of the multiple-choice questions in this Episode builds on the basics that we covered in the earlier Episodes.

### SLIDE 2.

As with the first three Episodes, I went back and pulled the statistics from the resource quizzes – this time in Module 4 – of Contracts I and Torts I. We're focusing again on problems that arose in one of the hardest questions from those quizzes; that is, one of the questions that (based on student performance) caused problems for largest number of people. To be specific, only 46% of students got it right.

Note that for Conduct Code purposes this is not an actual question from a Resource Quiz in the curriculum (which means that you can feel free to discuss the content in this video with your colleagues). Rather this is a new multiple-choice question, designed to present the same difficulties as one of the hardest multiple-choice questions from one of the fourth module resource quizzes.

Just a quick reminder: with the multiple-choice questions at Purdue Global Law School and on the Bar Exam, you aren't looking for the right answer. Instead, you are looking for the best answer from among the choices offered.

With that in mind, let's build on what we looked at in the first three Episodes.

### SLIDE 3.

We'll work with a Torts question, and we'll use it to talk about how to handle answer choices that use the word “if,” along with two important related concepts. When we see the word “if” in an answer choice it signals an assumption. Assuming that the legal principle or information that follows after the “if” is applicable, then the answer or conclusion that is before the “if” is correct.

In Episode 3, we looked at answer choices that were laid out in a “Yes, because...” or “No, because...” format. That is, each answer choice started with the conclusion or answer, and then after the “because” set forth the basis for that conclusion or answer being correct. With this sample question, there are two big differences in these answer choices. First, with the use of “if” you need to know that the information that follows the “if” isn't limited to the information provided in the facts or inferred from the facts; the information that follows the “if” could come from anywhere. Indeed, similar to “unless,” when you see the “if” signal, the information that follows might not have any connection to the facts at all. “If” gets used all the time to import additional information.

#### **SLIDE 4.**

The other big difference between these answer choices and the “Yes, because...” or “No, because...” answer choices from Episode 3? It’s the answer or conclusion. With the “Yes, because...” choices, each answer choice starts with the conclusion or answer that the answer choice is intended to support. Here, the choices start with “if,” and contain no answer or conclusion. So how do you read them, since they in fact are designed to support a particular answer or conclusion?

You look for the conclusion or answer in the facts. Here, we find the conclusion or answer in the only sentence we get, the one that reads: “A defendant’s interference with the plaintiff’s use and possession of her personal property is sufficient for conversion.” The key here is that the question is asking if the answer choice supports a finding that the interference was sufficient for the intentional tort of conversion. Which means that the question that you and I have to ask when we are evaluating each answer choice is “does what follows after the ‘if’ provide a level of interference sufficient to support the intentional tort of conversion?”

This is an important principle, and is not limited to answer choices that use “if.” Any type of answer choice can be constructed this way, to work in tandem with a piece of information contained in the facts.

Now, let’s ask our question, “does what follows after the ‘if’ provide a level of interference sufficient to support the intentional tort of conversion?” for each of the answer choices, to see how they stack up. Starting with answer choice A.

Is a defendant’s interference with the plaintiff’s use and possession of her personal property is sufficient for conversion, if the plaintiff was aware of the interference? To answer this we have to go back to the rule for conversion. And one thing we know about the rule for conversion? The plaintiff’s awareness of the defendant’s interference is not part of the prima facie case. If you take my car while I’m asleep, it has no impact on whether or not you are liable in conversion for your interference. Because of this, choice A. is clearly irrelevant and we can eliminate it.

#### **SLIDE 5.**

Next, we’ll look at choice B, “If the defendant’s actions interfered with the plaintiff’s use and possession of her personal property for a measurable period of time.” Does that support conversion? Well it does go to the level of interference, which is a requirement for conversion. But when you really look at it, it doesn’t say much. After all, what is a measurable period of time? A year – that would do the job for interference sufficient to support conversion. But an hour, a minute, a second? Those are measurable periods of time as well, and by themselves those definitely aren’t interference sufficient to support conversion. Given that choice B. includes both things that work and things that don’t work, unless the other two remaining answer choices are completely wrong like choice A., choice B. isn’t going to be our best answer either.

#### **SLIDE 6.**

Choice D. offers us a variation on “if,” in the form of “only if.” Just like “if,” what follows after “only if” sets forth information that is the basis for that conclusion or answer being correct. And, just

like “if,” with “only if,” that information isn’t limited to the facts presented, it could come from anywhere.

What makes “only if” different from “if” is that “only if” is making a claim, an assertion. When you see “only if,” it’s like the answer choice is claiming that there can be only one, and I am it. That is, an “only if” answer is claiming that the information that follows is the only way, the only basis for that conclusion or answer being correct; that there is literally nothing else that can support that basis or conclusion. If that assertion is correct, then the “only if” answer choice becomes a viable contender for best answer, but it’s not the only, if that assertion of exclusivity is not correct, then the “only if” answer choice is wrong and should be discarded.

With that in mind, let’s look at choice D. “If the defendant’s actions resulted in the permanent deprivation of the plaintiff’s property,” does that support a finding of conversion? Absolutely. Theft or destruction of the property, or other ways of permanently depriving the plaintiff of her property, are classic examples of interference sufficient for conversion. But remember that this is an “only if” answer choice. That means that we have to ask is permanent deprivation the only type of interference that is sufficient for conversion? When you put it that way, it’s clear that this is not the only type of interference that will do the job; other types of interference that are substantial but less than permanent will also do the job. Because of this, we can eliminate choice D.

Note that “only” isn’t confined to “only if.” “Only” can show up in other answer choices. But here’s the common thread that you should always draw whenever you see “only.” Whenever you see “only,” there’s a claim of exclusivity. And whenever you have a claim of exclusivity, the only way that answer choice can be the best answer is if it truly is the only way to do it.

#### **SLIDE 7.**

Which leaves us with only one possible answer choice, choice C. Which, as it turns out, is a correct statement of the standard, of the amount of interference needed to support conversion. Which means that as a completely accurate answer, it is a better choice than the partially correct, partially incorrect choice B., meaning that C. is our best answer.

Note that dynamic, in finding the best answer. If all of the other three answer choices were completely wrong, then choice B. which is partially wrong and partially right would be the best choice (even though you would never write about it that way on an essay). Why? Because the focus here is on finding the best answer; to be clear, not the best in a vacuum, but the best among the choices offered. And if what you get offered is a selection of damaged goods, then the best one will be the one that’s least damaged.

#### **SLIDE 8.**

That’s all for our fourth episode of Understanding MCQ’s. Look for Episode 5, where we’ll talk about how to deal with “may” and “shall.” Thanks for listening!