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**YO HO HO AND A BOX FULL OF CASH
EXPLORING THE LAW OF FOUND PROPERTY IN
YOUR BUSINESS LAW CLASS**

by

Judy Gedge, J.D. *

I. INTRODUCTION

An old house was bought by a wrecking and salvaging company. In the process of demolishing the house, one of the workers found a metal box behind the kitchen wall. He opened it and discovered \$12,700 in cash inside. Is he legally entitled to keep the money or not? This example is based on an actual case of found property,¹ one of many fascinating cases of buried treasure, shipwrecks, jewels found in the street, and hidden money discovered. ‘Treasure trove’ - the very name evokes images of adventure, excitement, possibly even of pirates’ plunder.

Who is legally entitled to found property? This is a fascinating area of property law full of exciting cases of money, jewels and other treasure that somehow got separated from its rightful owner. When that rightful owner makes no claim to the property, who then has the legal right to the property?

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These teaching materials introduce students to the common law principles governing abandoned, mislaid, lost, and treasure trove property. The students apply these legal principles by participating in an informal trial to determine which of three possible claimants is legally entitled to \$182,000 of old currency discovered by a building contractor in a box hidden behind a wall in a nearly one-hundred-year-old house.

Following the Introduction, Part II provides a description of the teaching materials and scaffolded homework assignments which help students gain an understanding of the common law principles of found property. Part III provides details of the in-class trial of the Case of the Found Money including practical teaching tips. Part IV provides a Teaching Note describing the learning objectives and the benefits of using role-playing exercises like this to help build critical thinking skills while actively engaging students in the learning process. Part V contains the conclusion and is followed by a summary of principles of found property and the Case of the Found Money.

II. TEACHING MATERIALS

A. The Law of Found Property

The author has prepared a summary of the law of found property with concrete examples to help students understand the different categories of property: abandoned, mislaid, lost, and treasure trove property.² Not all business law/legal environment of business textbooks do a thorough job on this legal topic so this summary may be useful. These teaching materials include a summary of an actual case, *Benjamin v. Lindner*, which deals with money found hidden inside the wing of an airplane.³ In the *Benjamin* case, the court's well-

reasoned opinion provides an effective illustration of the application of the principles of found property to discovered cash.

In this case, a Bank was the owner of a small airplane which it had obtained through foreclosure of its secured loan. The bank brought the plane for a routine inspection to a hangar owned and operated by an airplane Servicing Company. In the course of this inspection, a Mechanic (employed by the Servicing Company) unscrewed some rusty screws to access the panels under the aircraft wings. Inside one of those wings the Mechanic found two packets wrapped in aluminum foil which contained approximately \$18,000. Not surprisingly, this resulted in multiple claimants to the money (except by the 'true' owner of the cash who never presented himself). The claimants to this found money are the Mechanic, the Servicing Company and the Bank.

The Iowa Supreme Court in the *Benjamin* case provides a detailed and careful legal analysis concluding that the cash is mislaid property and therefore belongs to the owner of the premises on which the mislaid property was found. Each of the Bank (as owner of the aircraft) and the Servicing Company (as owner of the real estate on which the aircraft was then housed) claimed to be the owner of the premises for purposes of determining the rights to the cash. The Court held that the Bank was entitled to the cash relying on the policy rationale underlying mislaid property – that the true owner of the mislaid property would seek out the aircraft (not an aircraft hangar) if he sought to locate his cash. There is also a well-reasoned dissenting opinion which argues that the cash is clearly abandoned property, not mislaid property and so the three dissenting justices would award the cash to the finder of the property – the Mechanic.⁴

The teaching materials include assignments designed to help prepare students for the in-class trial, the Case of the Found Money.⁵ These homework problems help students to master the common law principles of found property using a scaffolding technique. The homework assignments are intentionally designed to help students through a series of exercises of increasing difficulty. Using this effective pedagogical method, students are able to gain a thorough understanding of these complex concepts.⁶

B. The Case of the Found Money

Once the students understand the general principles of found property and can identify the differences between abandoned, mislaid, lost and treasure trove property, they are ready to participate in an in-class trial based on an actual dispute in which more than \$180,000 was found behind the walls of a Cleveland house undergoing renovation.⁷

In this assignment, the students are provided a brief summary of the facts based roughly on the actual Cleveland house dispute. The owner had recently purchased a house in Cleveland, Ohio which was built in the 1920's. The owner brought in a contractor to remodel the bathroom. While doing the demolition, the contractor discovered a rusty metal box hanging from a wire inside a wall behind the medicine cabinet. The box contained an envelope (discolored from age) in which the contractor found cash totaling \$182,000. The bills were old and brittle and dated from 1927 to 1937. There was nothing in the box to identify the original owner of the cash. Not surprisingly, there are several claimants to this cash: the contractor, the homeowner and the surviving heirs of the family who owned and lived in this house from 1934 through 2003.

In preparation for our in-class trial, students complete as homework a chart summarizing each of the three claimants by identifying: (i) the category of found property this claimant will rely on; (ii) the specific facts this claimant will rely on to support his/her claim to the money; and (iii) the student's opinion of the strength of this claimant's argument. In addition, the students explain who they think is legally entitled to the \$182,000 under the common law principles of found property.

III. THE CASE OF THE FOUND MONEY MINI TRIAL

Prior to this class, the instructor seeks six student volunteers to serve as the lead actors in this trial of the Case of the Found Money. This is one of many cases in which students volunteer to be lead actors/presenters during the semester. In this instructor's course, all students are required to volunteer for one such activity during the semester so there are always willing volunteers.⁸ Volunteers do not know which side of the case they will be arguing until the day of the trial. That way they are sure to fully prepare for the trial, knowing the strengths and weaknesses of each of the claimant's positions.

At the beginning of class, the volunteers come to the front of the classroom (which is set up as much as possible like a courtroom) and the six student volunteers are divided into three pairs, one for each of the three claimants. (If desired, a seventh student can be given the role of the presiding judge.) Then the students have 10-15 minutes to prepare for the trial. During this time each pair decides which of the two students will act as the claimant and which as the attorney. They discuss the claimant's direct and (likely) cross examination. While the volunteers are doing this, the instructor confirms with each pair of students that they have correctly identified the category of found property on which their claimant will rely.

While the student volunteers are preparing for the trial, the rest of the class is meeting in groups to go over the homework assignments.

The instructor may want to use this time to write a chart on the board describing in general the common law principles of found property identifying the priority of various categories of claimants to found property. This chart can be reviewed with the class by the instructor just before the trial starts.

The in-class trial then takes place. (Note that the trial is very informal with a focus on helping students understand and apply these legal principles. As such, in this instructor's class, a trial like this does not address rules of evidence.) The witnesses are brought up in turn. The attorney for the witness draws out his/her story through direct examination which is then followed by cross-examination by the other two attorneys. Questioning can also be opened up to the class in general, by asking the class what question any of them would like to pose to the witness. If there's time, each student-attorney can be given the opportunity to make a closing argument summarizing their position (or the instructor can do this on behalf of each claimant). Then the other members of the class, fulfilling the role of the jury, vote to determine which claimant is entitled to the cash. In the remaining class time, students can share their thoughts about the legal claims and the trial in general. The instructor can then tell the students the outcome of the actual dispute. Not surprisingly, the students are very interested to hear what happened in the real-life case.⁹

In this activity, the instructor's primary role is behind-the-scenes. This includes checking with the volunteers before the trial to make sure they are on the right track and gently facilitating their presentation in the mini trial. This activity is appropriate for a business law or a legal environment of

business course. It is best used later in the semester by which time the students are more skillful at applying common law principles to fact patterns. It works well in a class period of 75-minutes, but this instructor has successfully used these materials in a class period of 50 minutes (by placing a short time limit on the examination of each witness).

The student volunteers submit their homework for the Case of the Found Money and their grade for this work is based solely on this written work. The student's grade for this work is not impacted by how well or how poorly he/she role-played his/her part in the trial. All of the student presentations during the semester are graded without regard to the quality of the student's in-class presentation for the following reasons: (i) This encourages the student volunteers to put significant effort into the homework which is the basis for their in-class presentation/trial; (ii) Some students are naturally outgoing or naturally shy which should not impact the student's grade on this in-class activity; and (iii) Not all parties in a dispute have equally compelling arguments and the strength of a party's legal claim should not affect a student's grade who has no control over which side of the case he/she presents.

IV. TEACHING NOTE

A. Student Learning Objectives

The Case of the Found Money helps promote students' critical thinking skills including thinking in principle and applying logical reasoning to support one's legal conclusion. This in-class exercise encourages all students in the class to be active participants in the learning process. The students who role-play the lawyers/litigants in the trial take center-stage in the classroom and clearly are actively engaged in the learning process. But the rest of the students are also actively engaged

in their role as jurors in the case. In their jury deliberation, these students discuss the relative strengths underlying each of the claims and then cast their vote for the winning claimant.¹⁰

The specific learning objectives of these materials are:

1. To help students understand the legal treatment of found property.
2. To help students appreciate that the common law principles governing found property are rational; that they are not a set of arbitrary rules.
3. To help students improve their critical thinking skills including thinking in principle, analyzing a case by recognizing the strengths and weaknesses of all sides, and making well-reasoned logical arguments supporting one's legal conclusion.
4. To provide students the opportunity to practice their oral presentation skills in a low-stakes, non-threatening environment.
5. To promote active student-centered learning.
6. To engage students with the drama of the law through student role-playing.

B. Actively Engaging Students in the Learning Process with Role-Playing Exercises

Combining role-playing with problem-based learning such as in the Case of the Found Money helps students build their problem-solving skills while they are actively engaged in the learning process.¹¹ Problem-based learning provides the needed skills and valuable encouragement to help prepare students to become self-directed, lifelong learners.¹² Furthermore, an exercise like this helps promote a collaborative approach to learning where students are co-facilitators in the learning process and are thus more actively engaged.¹³ Students who are actively

engaged in the learning process are more likely to gain a deeper understanding of the subject matter.¹⁴ The importance of incorporating active learning methods in the classroom is highlighted by the AACSB Curriculum Standards which address the importance of student engagement through active involvement in the learning process.¹⁵

Student role-playing in an informal trial such as the Case of the Found Money creates a vibrant active student-centered learning environment. In this mini trial, it is the students, not the teacher taking center stage in the classroom. Students are much more receptive to ‘instruction’ by their peers than by their teacher.¹⁶ Role-playing exercises such as this produce more meaningful and lasting learning.¹⁷ And exercises based on actual cases are effective in making the stories more relevant to students encouraging them to do more than simply memorize and apply abstract rules.¹⁸ Participating in a mini-trial where the claimants are presented as real people telling their own story helps bring the drama of the law into the classroom. It also helps students gain insight about the law and about the human side of legal disputes.¹⁹ Undergraduate business law courses are particularly well-suited to promoting such critical thinking skills as legal reasoning and logical argument as well as communication skills.²⁰ In-class exercises such as this mini-trial, can help enhance students’ analytical and reasoning skills.²¹

Using this in-class trial activity helps engage student interest, encourages their active participation in the learning process and promotes valuable critical thinking skills. Students gain a deeper understanding of the concepts and legal principles when they participate actively in a student-centered learning activity like this.

This exercise provides not only an enjoyable method for teaching business law content. It promotes valuable critical

thinking skills and encourages students to become self-directed life-long learners.

V. CONCLUSION

Money found hidden inside an airplane wing. Cash found in a box hidden behind a wall in an old house. Is there any truth to the old adage “finders’ keepers – losers’ weepers?” Stories like these capture the imagination, especially when they’re true. These materials encourage students to ask questions, to draw distinctions, to understand the rationale behind legal principles that may initially seem arbitrary. In other words, these materials provide an opportunity for students to think critically about the topic. The in-class trial in the Case of the Found Money actively engages students in the learning process. It is an effective learning tool and it is a fun activity for all involved (students and instructors!).

APPENDIX A

SUMMARY OF PRINCIPLES OF FOUND PROPERTY & THE CASE OF THE FOUND MONEY

1. ABANDONED PROPERTY

- a. What is Abandoned Property? Property is deemed abandoned when the owner voluntarily relinquishes all right, title, claim and possession to the property with the intention of terminating ownership. Actual intent to abandon must be shown but intent can be inferred from the acts of the owner.
- b. Who Has Rights in Abandoned Property? The first person who finds abandoned property and reduces it to possession acquires absolute ownership of the property. The finder's rights are superior even to that of the original owner of such property.
- c. Rationale. Abandoned property is analogous to property in its 'natural condition' such as a wild animal, which according to long-established common law, belongs to the first person taking possession of such animal. Note, the true owner can't be heard to complain of this result, as he has intentionally and voluntarily given up his ownership/legal right to the property.

2. MISLAID PROPERTY

- a. What is Mislaid Property? Mislaid property is property which is intentionally put in a certain place and later forgotten. Note, if property is dropped or left by accident, inadvertence, negligence or carelessness, it is not mislaid property; it is lost property. (See 'Lost Property' below).
- b. Who Has Rights in Mislaid Property? The right of possession to mislaid property belongs to the owner of the premises upon which the property is found, as against all persons other than the true owner. Note if the true owner of misplaced property is deceased then the heirs of the true

owner are entitled to the property. The finder of mislaid property acquires no ownership rights in it.

- c. Rationale. Mislaid property is entrusted to the owner of the premises where it is found rather than to the finder of the property because it is assumed that the true owner may eventually recall where she has mislaid her property and will return there to reclaim it.

3. LOST PROPERTY

- a. What is Lost Property? Property is considered lost when the owner has involuntarily parted with it through neglect, carelessness or inadvertence and the owner does not know its whereabouts. Note, if property is deliberately placed somewhere and then forgotten, it is not lost property; it is mislaid property. (See 'Mislaid Property' above.)
- b. Who Has Rights in Lost Property? The finder of lost property acquires the right to it over all but the rightful owner. Note if the true owner of lost property is deceased then the heirs of the true owner are entitled to the property. (In contrast to mislaid property, the finder of lost property has rights superior to the person who owns the real estate where the item has been found.)
- c. Rationale. Lost property belongs to the finder subject only to the rights of the true owner. Unlike the case of mislaid property, with lost property, there is no policy reason why anyone else (other than the owner) should be provided a claim superior to the finder of the property.

Lost Property Statutes. In a number of states, lost property statutes have been enacted which require the finder of lost property to deliver it to the local authorities. Notice is published regarding the found property and the true owner has a period of time (generally 12 months) to make a claim to the property. If no such claim is made, the finder is legally entitled

to keep the property and the finder becomes its rightful owner. A lost property statute such as this abrogates (i.e. overrides) the common law treatment of lost property. Under the common law, the true owner never loses his ownership interest in his lost property. Under a lost property statute, publication of the statutory notice essentially creates a statute of limitations within which the true owner must make a legal claim to recover the property. Note that many courts in interpreting lost property statutes have limited its application solely to lost property and do not apply it to mislaid or abandoned property.

4. TREASURE TROVE

- a. What is Treasure Trove? Treasure Trove is any gold or silver found concealed in the earth, in a house or in another private place. Note that some cases have extended the principle of treasure trove to include paper currency. To constitute treasure trove the property must have been concealed for so long a time that the owner is unknown and is probably long-since dead.
- b. Who Has Rights in Treasure Trove? Title to treasure trove belongs to the finder against all the world except the true owner (but it was lost/hidden so long ago there is presumed to be no true owner any longer). The person owning the real estate does not have a claim to it.
- c. Rationale. There is no way of determining the true owner of treasure trove so it is treated the same way as Abandoned Property. There is no one alive who can claim to be harmed by awarding ownership of the treasure trove to its finder. However, some courts and commentators reject the common law approach to treasure trove as encouraging trespassing and frustrating the expectations of the owners of real property on which treasure trove is found.

THE CASE OF THE FOUND MONEY
(YOU BE THE JUDGE)

Background. In 2005, Bobby bought a good solid house in Cleveland, Ohio that had been built in the 1920's. It needed some fixing up and the first project Bobby decided to take care of was the upstairs bathroom. Bobby figured the bathroom hadn't been updated for at least 50 years based on the worn tile and outdated wallpaper. Bobby hired an old school friend Chris, a contractor, to handle the remodeling project. When Chris ripped out the old bathroom wall, Chris discovered a rusty metal box hanging from a wire inside the wall below the medicine cabinet. Chris removed the box from the wall, opened it and found an unmarked envelope (apparently discolored from age) containing what looked like a large amount of U.S. currency. Chris immediately called Bobby to tell the homeowner to come straight home and see what was behind the wall. Bobby and Chris counted up the contents of the envelope and were absolutely astounded to learn that it totaled \$182,000. (The bills were old and brittle and dated from 1927 to 1937.) They agreed to replace the cash in the wall until they could figure out what to do. No one's quite sure how the news got out, but in short order the whole city was buzzing with news of the cash Chris had found. Lo-and-behold, a number of people notified the police that this was their money. The police impounded the cash pending a determination of the persons entitled to the money.

Claimants. The following persons are making a claim to the entire \$182,000:

- **Chris the Contractor**
- **Bobby the Homeowner**
- **Jamie Jones-** Douglas Jones had owned and lived in the house with his wife Mary from 1934 till he died in 2003. (Mary had died several years earlier.) The Jones had one child, Jamie, who inherited all of his parents'

assets. Jamie sold the house to Bobby in 2005 when the probate of the estate was completed.

Assignment. Complete the attached chart showing your analysis of the arguments each of the claimants can make to the found money as well as **who you think** is legally entitled to the money. This will help you prepare for our in-class mini-trial: “The Case of the Found Money.” See explanation of the common law principles of found property above as well as your homework answers regarding the black letter law of found property. You should assume that the common law principles of found property govern in this case (meaning that there is no overriding or conflicting statute that has been adopted by the Ohio legislature dealing with found property).

	What <u>category</u> of found property will this claimant seek to rely on?	What facts will this claimant use to support his/her argument	In your opinion, does this claimant have a strong argument? Explain.
Chris Contractor			
Bobby Homeowner			
Jamie Jones' Son			

Who do you think is legally entitled to the found money under the common law principles of found property? Explain.

¹ State *ex rel.* Scott v. Buzzard, 144 S.W. 2d 847 (Mo. 1940).

² See excerpt from teaching materials attached as Appendix A. A complete set of these teaching materials is available from the author (including a

summary of the *Benjamin* case and scaffolding homework assignments on found property).

³ *Benjamin v. Lindner Aviation, Inc.*, 534 N.W. 2d 400 (Iowa 1995).

⁴ *Id.* The underlying facts of the case and the Court's legal analysis are detailed in the Court's opinion (including an interesting dissenting opinion).

⁵ A complete set of the teaching materials described in this article is available upon request of the author.

⁶ See, e.g., Debbie Kaminer, *The Meaning of "Sex": Using Title VII's Definition of Sex to Teach About the Legal Regulation of Business*, 35 J. LEGAL STUD. EDUC. 83, 88 (2018) (addressing, in general, the benefits of using scaffolding as a pedagogical tool); Leila G. Lawlor & Susan L. Willey, *Are Your Workers Employees or Independent Contractors? Three Exercises to Help Students Accurately Classify Workers*, 34 J. LEGAL STUD. EDUC. 167, 178 (2017) ("An effective method of guiding students through challenging material with minimal frustration is a teaching technique called scaffolding. Scaffolded assignments take students through a series of exercises increasing in difficulty, with intentionally designed support structures—or scaffolds—at each step.") (internal citations omitted).

⁷ A dispute like this was described in Volume 1, Issue 6 (January 2010) Business Law Newsletter published by McGraw-Hill) and loosely forms the basis for the Case of the Found Money mini-trial.

⁸ See Judy Gedge, *Bringing the Drama of the Law into your Classroom with Student-Led Case Presentations*, 27 S.L.J. 367 (2017) (describing the author's use of student case presentations in a business law/legal environment of business course).

⁹ In the actual case, the house had been owned for many years by the Dunne family. When the money was found, the original owners had long since died but their heirs made claims to the cash. The court concluded that the heirs were entitled to that portion of the cash which was found in envelopes with the Dunne's return address. As to the rest of the cash, since the homeowner gave up her claim to it, the court awarded it to the contractor. However, by that time there was only \$25,230 left to be distributed, the balance having been spent (or otherwise disappeared). See Erick Trickey, *Found and Lost*, Cleveland Magazine, May 2010, <http://clevelandmagazine.com/in-the-cle/the-read/articles/found-and-lost>.

¹⁰ See Susan Park & Denise Farag, *Transforming the Legal Studies Classroom: Clickers and Engagement*, 32 J. LEGAL STUD. EDUC. 47, 68 (2015) (identifying that when students are placed in the position of voting as decision makers, they are much more interested in the outcome).

¹¹ See, e.g. Tanya M. Marcum & Sandra J. Perry, *Flips and Flops: A New Approach to a Traditional Law Course*, 32 J. LEGAL STUD. EDUC. 255, 257 (2015) ("Active student learning is a pedagogical approach engaging

students in behaviors and activities in the classroom rather than just listening to the instructor.”) (internal citations omitted); Peter Prescott, Hilary Buttrick & Debora Skinner, *A Jury of Their Peers: Turning Academic Dishonesty into Classroom Learning*, 31 J. LEGAL STUD. EDUC. 179, 183 (2014) (“The experiential model, where students learn through active engagement with relatable material, presents a more effective way to teach legal and ethical concepts...” (internal citations omitted); Lucille M. Ponte, *The Case of the Unhappy Sports Fan: Embracing Student-Centered Learning and Promoting Upper-Level Cognitive Skills Through an Online Dispute Resolution Simulation*, 23 J. LEGAL STUD. EDUC. 169, 169-70 (2006) (supporting the view of many legal experts that “effective legal education needs to encourage active or student-centered learning, rather than passive teacher-centered instruction ... [as] students learn best when they are actively involved in and responsible for their own learning.”) (internal citations omitted).

¹² See, e.g., Wilbert J. McKeachie & Marilla Svinicki, MCKEACHIE'S TEACHING TIPS: STRATEGIES, RESEARCH, AND THEORY FOR COLLEGE AND UNIVERSITY TEACHERS 306 (14th ed. 2014) (stating that learner-centered teachers regularly turn to active learning exercises to engage the learner, and cognitive scientists report that when students think about material in more meaningful ways, it promotes more enduring learning).

¹³ See e.g. Konrad. Lee & Matthew I. Thue, *Teaching the Fair Debt Collection Practices Act to Legal and Ethical Environment of Business Undergraduate Students Through a Role-Play Experiential Learning Exercise*, 34 J. LEGAL STUD. EDUC. 207, 218-19 (2017) (“[R]esearch has shown that role-play experiential learning exercises show better cognitive, affective, and interactive learning than other, often favored techniques ... [and] have been successfully used to create an active learning experience in a wide range of disciplines.”) (internal citations omitted); Robert C. Bird, Lucille M. Ponte, Gerald R. Ferrera, & Stephen D. Lichtenstein, *Troubled Times at Upturn Records: Getting Traditional Legal Concepts to Dance to the New Online Beat*, 22 J. LEGAL STUD. EDUC. 1, 3 (2004) (crediting the use of case studies, with their connection to real-world situations, with improving student retention of materials and increasing student-based, rather than instructor-focused, learning).

¹⁴ See, e.g., Susan J. Marsnik & Dale B. Thompson, *Using Contract Negotiation Exercises to Develop Higher Order Thinking and Strategic Business Skills*, 30 J. LEGAL STUD. EDUC. 201, 203 (2013) (describing that the primary goal of PBL is to prepare students to be self-directed, lifelong learners, and practical problem solvers moving students beyond knowledge and comprehension of content to higher forms of learning).

Problem-based learning methods cast students in the role of active participants, learning at a deeper level).

¹⁵ See AACSB Int'l—The Ass'n to Advance Collegiate Sch. of Bus., 2013 Eligibility Procedures and Accreditation Standards for Business Accreditation (revised July 1, 2018), <https://www.aacsb.edu/-/media/aacsb/docs/accreditation/business/standards-and-tables/2018-business-standards.ashx?la=en&hash=B9AF18F3FA0DF19B352B605CBCE17959E32445D9> (last visited March 9, 2020) (addressing the value of “teaching and learning activities . . . that highlight the importance of student engagement and experiential learning [through] “approaches that actively engage and include all students in learning [which can include] problem-based learning, projects, simulations, etc.” (Standard 13 at p. 40).

¹⁶ McKeachie, *supra* note 12, at 5 (“Students can learn more in talking to one another than in listening to us, if we prepare them for such interaction.”).

¹⁷ See Peter J. Shedd, *Perspectives on Teaching, Teaching is Our Calling: Do Something Worthwhile!*, 29 J. LEGAL STUD. EDUC. 363, 366 (2012) (identifying from his personal teaching experience that students who participate in interactive role-play simulations are actively engaged in the learning environment which produces “more meaningful and lasting learning”).

¹⁸ See *e.g.*, Lawlor & Willey, *supra* note 6, at 189 (“When students form mental images of the characters and scenarios involved in the case studies, rather than just reading the legal rule and hearing a traditional lecture about its application, they become more interested and involved in applying the appropriate legal rule.”); Patricia Pattison, *Outrage and Engage: A Story of Eminent Domain*, 31 J. LEGAL STUD. EDUC. 55, 66, 71 (2014) (identifying that by demonstrating the connection between ideas and real life, stories can make material more concrete and memorable and that using actual cases makes the stories more relevant); Shelley McGill, *The Social Network and the Legal Environment of Business: An Opportunity for Student-Centered Learning*, 30 J. LEGAL STUD. EDUC. 45, 54 (2013) (“[L]earning is most likely to occur when instructors present primary experiential opportunities that are relevant, reality based, and connected to the student's world . . . thereby increas[ing] the likelihood of student engagement.”) (internal citations omitted); Marsnik & Thompson, *supra* note 14, at 206 (describing one of the benefits of problem-based learning as moving students “beyond memorization of black letter law by requiring mastery of legal content.”).

¹⁹ See Pattison, *supra* note 18, at 77 (concluding that storytelling is particularly powerful by allowing the parties to speak for themselves in the

first person thus enabling students to identify with the parties to the litigation and gain insight into how and why the parties made the decisions as they did) (internal citations omitted); Donna M. Steslow & Carolyn Gardner, *More than One Way to Tell a Story: Integrating Storytelling into Your Law Course*, 28 J. LEGAL STUD. EDUC. 249, 257 (2011) (describing one of the benefits of storytelling as the “re-humanization” of the parties involved in the cases underscoring “the reality that there are actual people involved in these disputes and that the outcome affects their lives.”) (internal citations omitted).

²⁰ See, e.g., Marianne M. Jennings, *In Defense of the Sage on the Stage: Escaping from the “Sorcery” of Learning Styles and Helping Students Learn How to Learn*, 29 J. LEGAL STUD. EDUC. 191, 228 (2012) (“The continuation of the flash card method for learning will not help the student in a class, such as business law or legal environment, because of the analytical nature of the law, its reliance on cases and precedent, and the effect of slight variations in facts.”).

²¹ See, e.g., Christine Neylon O’Brien, Richard E. Powers, & Thomas L. Wesner, *Benchmarking and Accreditation Goals Support the Value of an Undergraduate Business Law Core Course*, 35 J. LEGAL STUD. EDUC. 171, 184 (2018) (highlighting that business law courses are well suited to developing skill to communicate, analyze and frame problems and solutions as well as to evaluate, reason, defend positions and marshal opposing arguments); Robert J. Landry, III, *Ethical Considerations in Filing Personal Bankruptcy: A Hypothetical Case Study*, 29 J. LEGAL STUD. EDUC. 59, 63 (2012) (“Applied learning through the case study benefits students because it may provide an opportunity to enhance students’ decision-making and critical-thinking skills.”) (internal citation omitted); Tammy W. Cowart & Wade M. Chumney, *I Phone, You Phone, We All Phone with iPhone: Trademark Law and Ethics from an International and Domestic Perspective*, 28 J. LEGAL STUD. EDUC. 331, 332 (2011) (“Cases can enhance student’s analytical and reasoning skills as they are realistic scenarios that bridge the gap between theory and fact.”) (internal citations omitted); Ponte, *supra* note 11, at 174 (describing that through the use of case studies “students develop effective written and oral communication abilities and strong critical thinking and reasoning skills”) (internal citations omitted).