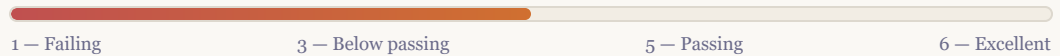


SHEP BAR PREP · MEE PRACTICE REPORT

Torts — Arena Altercation**STUDENT** Eric Stevenson**MODE** Timed (30 min)**DATE** May 25, 2026**TIME SPENT** ~27 minutes**Practice Band 3 — Below Passing Expectations***Modeled on the MEE 1–6 scale · Calibrated score: 0.41 · Confidence: 0.89*

COMPONENT	SCORE	VISUAL	PCT
Issue Spotting	47%		47 / 100
Fact Application	40%		40 / 100
Conclusion	40%		40 / 100
Rule Statement	35%		35 / 100
Analysis	34%		34 / 100

Overall Feedback

Your performance is currently below passing expectations. While you demonstrate a basic ability to spot some issues and connect facts to conclusions, your analysis lacks the necessary depth and doctrinal precision required for a passing score. You frequently omit essential legal rules, which forces your analysis to rely on conclusory statements rather than a rigorous application of the law.

To improve, prioritize two things: first, thorough issue spotting to ensure you are analyzing all potential claims between all parties; and second, a more disciplined approach to rule statements. Do not assume that "reasonableness" is self-evident — you must define the legal standard for every defense or claim you raise and then systematically apply the facts to each element of that rule. Your current approach is too superficial to demonstrate the level of legal reasoning expected on the bar exam.

Issue-by-Issue Feedback

1. Fox's tort claims against Badger

You failed to address the potential tort claims Badger might have against Fox. Your essay focused exclusively on Fox's claims against Badger. To improve, carefully read the prompt to identify all parties and the specific legal relationships between them. You need to analyze whether Fox's conduct (e.g., the lunge or the soda throwing) satisfies the prima facie elements for assault or battery against Badger, rather than assuming the analysis only flows in one direction.

2. Badger's self-defense

While you correctly identified the issue and reached a conclusion, your analysis is weak because you failed to state the legal rule for self-defense. You cannot simply state that a reaction was "reasonable" — you must define the elements, such as the requirement that the defendant reasonably believed force was necessary to prevent an imminent threat of unlawful force. State the rule clearly: *"A defendant is privileged to use reasonable force in self-defense if they reasonably believe such force is necessary to protect themselves from an imminent threat of battery."* Then apply the facts — such as the specific nature of Fox's lunge — to show why Badger's push was proportional to that threat.

3. Finch's false imprisonment claim

Your rule statement for false imprisonment is overly simplistic. Defining it merely as "the unlawful holding of another individual without cause" misses the core elements: (1) an act or omission that confines the plaintiff to a bounded area, (2) intent, and (3) causation. Furthermore, you failed to address the **shopkeeper's privilege** defense, which is critical when analyzing a business's detention of a patron. Define the elements precisely and then analyze whether the two-hour detention was reasonable in time and manner — specifically addressing why the lack of questioning or communication defeats the privilege.

APP The Question

Mr. Fox and Ms. Badger were avid fans of rival basketball teams. They were seated next to each other at a championship game at Vultures Arena. Throughout the game, they exchanged heated words. With the score tied in the final minute, Fox became enraged at Badger's taunts. He stood up, shouted, "*I'm going to knock you out!*" and threw the contents of his large soda cup at Badger, soaking her jersey. The cold liquid startled her but caused no physical injury. Fox then clenched his fists and lunged toward Badger as if to throw a punch. Fearing an imminent blow, Badger, who had been a college athlete, stood and forcefully pushed Fox in the chest with both hands. Fox, who was off-balance from his lunge, stumbled backward over a seat and fell to the ground, suffering a fractured arm.

During halftime, another spectator, Mr. Finch, was browsing in the arena's official merchandise store. He tried on an expensive team jacket, looked at himself in a mirror for a moment, and then placed the jacket back on its rack. As Finch, who was wearing a hat from the opposing team, turned to leave the store without buying anything, he was stopped by Mr. Owl, a uniformed security guard employed by Vultures Arena. A different patron had just run out of the store with a stolen jersey from the same display area. Believing Finch was the thief, Owl grabbed Finch by the arm and said, "*You're coming with me.*" Owl escorted Finch to a small, windowless security office in a back hallway and locked the door. Owl left Finch in the room for two hours without questioning him or allowing him to contact anyone. After reviewing security footage, Owl realized his mistake, unlocked the door, and released Finch with a brief apology. The final score of the game was 101 to 100.

CALLS OF THE QUESTION

1. What intentional tort claims, if any, can Badger reasonably bring against Fox? Discuss.
2. What intentional tort claims, if any, can Fox reasonably bring against Badger, and what defenses can Badger assert? Discuss.
3. What intentional tort claims, if any, can Finch reasonably bring against Vultures Arena, and what defenses can the arena assert? Discuss.

ANS Submitted Answer**ISSUE**

The issues are whether Fox committed (1) assault by causing Badger reasonable apprehension of imminent harmful contact, and (2) battery by intentionally causing a harmful or offensive contact when he threw the soda. There is also an issue of whether Fox can reasonably bring a battery claim against Badger. Finally, there is also an issue of whether Finch can assert a claim of battery and false imprisonment against Vultures Arena for Owl's conduct.

RULE

Assault occurs when a defendant acts intending to cause a reasonable apprehension of imminent harmful or offensive contact and the plaintiff is thereby put in such apprehension. The contact need not occur so long as the victim reasonably believes a blow is about to fall. Battery occurs when a defendant acts intending to cause a harmful or offensive contact with the plaintiff's person, and such contact directly or indirectly results; contact is "offensive" if it would offend a reasonable sense of personal dignity. Words alone are usually insufficient for assault, but words plus conduct can create the requisite apprehension. Conditional threats made in circumstances suggesting imminent execution can also support assault. False imprisonment is the unlawful holding of another individual without cause.

APPLICATION

Assault: Fox, enraged by Badger's taunts in the final minute, stood up, shouted, "I'm going to knock you out!" and then clenched his fists and lunged toward her as if to throw a punch. His words express an unequivocal intent to inflict a harmful blow, and his physical lunge with clenched fists is conduct that a reasonable person would interpret as an immediate attempt to strike. Badger, in fact, feared an imminent blow, as shown by her instinctive reaction: she stood and forcefully pushed Fox to protect herself. The threat was not of future harm but of an immediate punch, satisfying imminence. A reasonable person in Badger's position, seated in close proximity in a crowded arena, would apprehend a punch as about to land. Thus, Fox's words and acts intentionally caused Badger reasonable apprehension of imminent harmful contact, constituting assault.

Battery: When Fox threw the contents of his large soda cup at Badger, he intentionally directed physical matter onto her person. Although the cold liquid "startled her but caused no physical injury," physical injury is not required so long as the contact is harmful or offensive. Soaking her jersey with a large quantity of soda, in the context of an angry confrontation, would offend a reasonable person's sense of dignity. Liquid contacting clothing qualifies as contact with the person. Because Fox intended to douse her in anger and that offensive contact occurred, the elements of battery are met.

Badger's status as a former college athlete does not undermine her apprehension; even a trained person may reasonably fear a sudden, close-range punch. Nothing in the facts suggests consent to this kind of physical altercation; sports-fan "trash talk" does not imply consent to being soaked with soda or punched. Nor is there any privilege (such as self-defense) justifying Fox's initial aggressive acts, because Fox was the aggressor who escalated from verbal taunts to threatening and physical conduct.

With respect to any claim that Fox could assert battery against Badger, this claim would likely fail because Badger's pushing Fox in the chest was an immediate reaction to the imminent assault that Badger believed that

Fox was going to inflict on her. The reaction is reasonable and does not give rise to a claim of battery.

With respect to Finch's possible claim of battery against Vultures Arena, the claim likely fails. When Owl grabbed Finch, he was acting in his role as security guard to potentially apprehend a fleeing thief. Owl's actions in this regard are reasonable, and therefore, this is no battery. However, Owl's action of leaving Finch in a locked room for two hours without questioning him or allowing him to contact anyone could allow Finch to reasonably bring a false imprisonment claim against Vultures Arena as they are unreasonable and not justified.

CONCLUSION

Badger can reasonably bring claims against Fox for both assault, based on his threat and lunge that created apprehension of an imminent punch, and battery, based on the intentional, offensive contact from throwing soda on her.