

1: Sixth grade Lesson Creating Valid Counterclaims | BetterLesson

How to Make a Counterclaim to a Creditor Lawsuit. In this Article: Assessing Available Counterclaims Drafting Your Answer Filing Your Answer Community Q&A When you borrow money and don't pay it back, the creditor may sue you.

It is probably equally true that litigation is business by other means. And on the other hand, if an acceptable compromise cannot be reached, then litigation is the tool by which the parties can obtain a definitive resolution to the dispute. Of course, every case is different. But there are some factors that apply in nearly every case. Probably the most obvious factor, and often but not always the most important, is the strength of the claim or defense. Litigation costs often are a major factor, and both parties must consider the benefit of avoiding such costs in any settlement analysis. Other factors may include the likely inconvenience and interruption of business that may result from litigation; the potential publicity and damage to or enhancement of reputation; the value of an ongoing commercial relationship with the opposing party; the impact of settlement on the deterrence of similar claims in the future; the consequences of a catastrophic adverse judgment; the time value of money. And on top of those factors are often more emotional ones such as pride, ego, reputation and the personal agendas of the decision makers on each side. And this just scratches the surface. To be sure, it is part science and part art. There are, however, ways of applying rational business-style analysis to the process which can be extremely useful. To take a simple example: This same analysis can be applied to a claim: Defendant denies it breached the contract, and it contends that even if it did, the direct damages are only half of what plaintiff claims. It further contends that plaintiff is not entitled to consequential damages. How does one begin to analyze the settlement value of a claim like this? Here, one possible outcome is that the defendant wins a judgment that it did not breach the contract. You can see from the chart that there are four potential outcomes: Of course, most litigations will be more complex than this, but the same technique can be expanded as necessary to account for any number of variable outcomes, such as counterclaims, dispositive motions, variable damages awards. The analysis may be more challenging, but as the case gets more complicated the analysis becomes all the more useful. Anyone analyzing the settlement value of a case obviously has to be cognizant of what it will cost to accomplish the forecasted result. So, if each party is analyzing this issue at the beginning of the case. This establishes a range within which both sides should rationally be willing to settle the case. The time value of money also must be considered. A cash settlement today is more valuable to a plaintiff than an equivalent judgment two years from now, and any settlement analysis should take this factor into account. The Importance of Critical Analysis Of course, this kind of analysis is only as good as the data that goes into it. In most cases, this kind of analysis is an evolving process. At the beginning of a case the parties may not have all the facts or they may not have had an opportunity to research all the critical legal issues at stake. Moreover, in a highly complex case it may not be possible at the beginning of the matter to anticipate all the developments that will unfold as parties are added, motions filed, counterclaims asserted, and so forth. Risk acceptance or avoidance is often another significant factor. You might call this the lottery effect. For instance, a defendant may be willing to pay a premium to resolve a claim that is interfering with other business objectives, such as a merger or a public offering of shares. Conclusion Analyzing the settlement value of a case is still part art and part science. Even the best analysis can never fully account for all the vagaries of litigation, such as predicting how a witness will hold up under skillful cross-examination or how a judge will rule on a motion. But as the above discussion demonstrates, a candid and thoughtful analysis of a case can help develop a solid framework from which to start a settlement negotiation. And, as new facts and information develops, the expected value of the case must be constantly reanalyzed and the assumptions and calculations adjusted as necessary. Importantly, for this kind of analysis to lead to a settlement, both sides have to carefully and candidly analyze their respective claims and defenses. When that happens, the chances for settlement greatly increase. For more information, please visit www.maritimereporter.com. Reprinted with permission from Maritime Reporter and Engineering News.

2: Stone vs. MillerCoors Lawsuit - Trademark Your Beer

This common analytic rubric evaluates students' ability to reason, problem-solve, develop sound arguments or decisions, and create new ideas by using appropriate sources and applying the knowledge and skills of a discipline.

They will work with this partner for all the activities in class. Today they should have their essential question for their research project, a draft of the claim, and at least four reasons they believe in their claim. Now their partner will function as their peer evaluator. On the back of their homework, the peer evaluator is asked to respond to the following prompts: Explain why or why not. We are still at the initial planning stages of their argumentative essay. I want them to really explore how they craft their question and the claim. At this point, time remains for them to make adjustments and revisions to their claim as they begin to develop the rationale and organization of their argument. Hopefully the feedback on the quality and strength of their claim and reasons will help them when we get to the library to gather evidence and eventually organize their essay. As they wrap up their feedback, the second slide on the powerpoint reviews the foundations of argumentation. They need to access their prior knowledge before I introduce the concept of the counterclaim. Connection to Prior Knowledge: claims and counterclaims. What are Other Credible Possibilities? It becomes their fifth foundational element of argumentation. Slide four defines counterclaim and why it is important in an argumentative essay. I want to emphasize that a counterclaim, like the claim, must logically answer the research question. It has to be a credible possibility. Martin Luther King as an example. The students read this essay in their unit on rhetoric. The claim and counterclaims are on the slide. It emphasizes that for each counterclaim a writer has to 1) provide evidence to demonstrate the validity of the counterclaim and 2) explain using evidence why the claim is preferred. Slide six poses a research question. I chose this question because our district recently contracted with the city police department to have armed police on campus to address the security concerns raised by parents and staff. A police presence was not the solution the community wanted; however, it is what we got. It is a hot issue right now, so I know my students have an opinion on the topic. Tucson High needs armed security on campus to reduce incidences of violence. I give two counterclaims. One of them does not respond logically to the prompt. I pose the question: Are both examples logical counterclaims? Ideally, a brave volunteer would say no. The second counterclaim is on the topic of violence in school, but it does not answer the question. It cannot be a counterclaim. The final slide for this section reinforces the need for the counterclaim to logically respond to the prompt. Developing a Conceptual Understanding: claims and counterclaims. I give them four prompts on slide 8. With their partner they choose a prompt and collaborate to write a quick claim and counterclaim. It also allows students to see a variety of perspectives on a topic. Hopefully, going over the claims and counterclaims will elicit comments and questions from the class. They need to be ready to produce potential counterclaims for their argumentative essay. Checks for Understanding: claims and counterclaims. They have to write their essential question and claim again. I want them to stay focused on what they have already accomplished as part of the pre-writing process. Next I ask them to write at least three potential counterclaims. They will have to use two in their final essay. Complex Tasks: Applying Knowledge: Peer Evaluation of Counterclaims 10 minutes. Finally we return to where class began with peer evaluation. Once they finish their counterclaims, they exchange papers with their partners. They are similar to the prompts for claims. Do the counterclaims clearly answer the question? Explain why or why not. Suggestions for improvement. Does each of the three counterclaims fit at least one of these descriptors? 1. Rank the three counterclaims in order of importance. Just like the claim, we are still in the preliminary stages of writing an argumentative essay. Research Proposal Reminder 5 minutes. For the next class, students have to bring a word research proposal with a flyer that advertises their essential question. I take the last few minutes of class to remind them of the assignment and answer any lingering questions.

3: How to Make a Counterclaim to a Creditor Lawsuit: 13 Steps

Students should have their introductions completed, as well as their first and second body paragraphs. They have used the language frame lesson to get ideas about formatting and content.

With some guidance and support from peers and adults, develop and strengthen writing as needed by planning, revising, editing, rewriting, or trying a new approach. I always allow the kids to take ownership over this. Reading is such a treat for them, and they savor extra reading time. The best feeling in the world is seeing every hand in the room shoot up at once. Students reading around the room Partner Work: Counterclaim Discussion and Work Time 30 minutes Hooray for a great teaching day! Students should have their introductions completed, as well as their first and second body paragraphs. They have used the language frame lesson to get ideas about formatting and content. Now they are ready to insert their counterclaim paragraphs. I pass out the Counterclaim Paragraph Outline and place one blank outline under the document camera. I read aloud the outline, most students understand how to fill in the blanks immediately. Once students are put in small groups based on who I think would work productively together, students will aid one another not only to write their counterclaim but to think critically about where a counterclaim paragraph logically belongs in the argument essay. I put these directions on the board and direct kids to spread out around the classroom to work in their small groups. Kids should read their arguments aloud to their small group; the other group members should be actively engaged in listening, so when it comes time to write their counterclaims, group members can support each other. The small group element of this lesson worked out so well! Some really amazing, high-level conversations popped up around the room, based on some of the topics kids were arguing. In this high level of discussion, students were being very honest about their thoughts on homework. A student chose to write his topic on "homework does more harm than good," but here, his group members help him to uncover a solid counterclaim. Why do we need to include evidence to support the opposite side? It makes no sense! We come up with some possible reasons. Maybe it is because by proving and then disproving the other side, our claim is strengthened. Fast Food is Harmful Student Sample: Share your Counterclaim Paragraph 15 minutes After students have discussed and worked hard in a small group, they are ready to share their counterclaim paragraphs with the class. I often have kids share snippets of their discussion with the whole group. If I can remember valuable discussion points that were overheard, I will ask if kids can recap.

4: Understanding Common Core Argument Standards

So, there you have it - the four parts of an argument: claims, counterclaims, reasons, and evidence. A claim is the main argument. A counterclaim is the opposite of the argument, or the opposing.

5: Calculating Settlement Value of a Case | Blank Rome LLP

Counterclaims, perspectives, and implications. Presenting an objective argument One of the key aims you should have as you write the essay is to ensure that you present an objective argument. This means considering the counterclaims to your arguments, other perspectives, and the implications of.

6: How to teach counterclaim - Pencils and Pancakes

the claim(s), counterclaims, reasons, and evidence. Develop claim(s) and counterclaims fairly, supplying data and evidence for each while pointing out the strengths and limitations of both claim(s) and.

7: Tenth grade Lesson Crafting Claims and Counterclaims for Argumentative Essays

To assess whether students are meeting standards in Science and Engineering Practices, along with Core Ideas and

ASSESSING COUNTERCLAIMS pdf

Cross-cutting Concepts, they must be engaged in conducting their own scientific inquiry.

8: counterclaims | Performance Assessment Resource Bank

An integrated assessment framework and analytic scoring rubric for argumentative writing are thus developed and recommended as a general guide for classroom use, taking into account both argumentative structure and substance.

9: Washington HOA and COA Foreclosures | www.enganchecubano.com

How to Teach Counterclaim I tackled counter claim for the second time in two years www.enganchecubano.com this year it worked! For anyone who doesn't know, the new common core requires students to write argument papers that include students showing both sides of an argument, being able to counter the reasons why the opposite is wrong.

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