TAFT

WEBINEX

ESSAY q&A

4/11/17

INSTRUCTOR: Good evening, everybody. Welcome to tonight's bar mini series. We will be starting in approximately 10 minutes.

We will start in 5 minutes.

For those of you that just joined, make sure you have the MBE lecture those are for tonight's notes. We will be starting in approximately 5 minutes. Thank you.

Good evening. Welcome to tonight's baby bar mini series. We will be starting in approximately one minute.

Tonight our primary focus will be going over a multistate lecture and giving you an idea of how to take multiple choice question exams.

First of all, these sections are recorded. If you want to listen to the website, go to the student section click baby bar mini series and then whatever class you want to listen to. In a few weeks, we will have transcripts of everything as well so you can read it versus hear it.

I'm monitoring the question answer box not the chat box so if you have any questions post in there, but put them in the question answers because I can't monitor both at the same time.

This will be how it goes, there's a schedule sent to you. Law for torts, contract, criminal law, multi-state review as well as simulated exams. Look at the schedule to know what to prepare for.

Everybody, hopefully, you have your handout in front of you. With the baby bar is going to cover areas on the multi‑states with torts, contracts, UCC uniform, commercial, and criminal law. You should have been sent out handouts in UCC code. It is a separate class, but it's something to get a hold of Gilberts UCC/sales and review it. Use your contract check list and then supplement. There's common law acceptance and then UCC acceptance. That's how to set it up pursuant to my check list.

Torts, whether they test on the multiple choice questions, you will see the multi‑state goes toward the elements. Black letter law and knowledge versus contract.

Contracts are more demanding. They are testing your reading comprehension. Make sure you break them apart. Use your tools and check list.

Criminal law same thing as torts testing on the black letter law. Remember the questions and objectives. You will have four answer choice options to choose from. They are mixed. When you go to baby bar, they are not going to say 33 tort questions. It's your job to determine if it's a tort question, criminal law or contract. You want to make sure you pay attention to that. All multistate questions are worth the same value. Make sure you answer them all. They convert over to a 400 point scale and calculate from them. If they tell you there's 1 minute left, bubble something in. Dont turn in an answer that's not marked, you have a better chance than not marking at all.

If you can't hear, yes, you should be able to hear me. I would recommend to check your volume on your speakers.

Okay. Now when you take a multistate question what they find or what we do is read it and pick the answer choice. What I'd like you to do and we are going to learn and develop skills here. Besides reading the question, first you want to mark up the fact pattern. You want to break it apart. There's no difference between an essay and multiple choice question. In an essay, you show how you got there. You need to do the same thing in the multiple choice questions.

When you read a multi‑state question, they break apart in three parts the root, the actual fact pattern, the stem/the call of the question and then the options which are answer choices. First thing you want to do is read the call/the stem. Read that first. This will help you. This will help you in many ways to help you narrow it down.

When you read the facts, read carefully. The examiners know we don't read in detail. Look to the operative language. The fact patterns turn on the details in the actual facts. What's relevant versus irrelevant.

How do you read a multi‑state? You start with the stem or the call of the question. This narrows down to, number one, Subject matter being tested. Sometimes it will give you the issue. Can John be convicted of battery? They isolated the actual crime. It will give you the subject matter and issue and now I need to break it apart.

Once you read the call of the question, then read the fact pattern carefully. Mark it up based on what you see in the facts. If the issue is battery, Here shows the general intent based on the fact. Here shows the unlawful application. Break it apart. Make sure the facts are supporting the elements of the particular issue; in this case, the battery being charged.

The general rule with multi‑state is do not assume facts. Don't make the problem harder than what it is. Keep it simple. If there are multiple ways to interpret the question, one straight forward, one complex go with the straight forward interpretation. Your interpreting the facts while reading multi‑state. If you see a statute on the exam, break apart the elements of the statute.

If they gave you a crime in that statute, it doesn't matter what law you know. It matters the element for that statute. They know that most people don't do that. Why? I don't understand. You are stuck with what the statute says. And you need to show it's compliant with the facts.

What is the best defence or which claim will succeed? I will rewrite the call of the question. I make sure I understand what they are asking. What's the best defence? I rewrite based on the fact: What will support the defendant not being guilty? When you see best defence, you go to defence automatically. Thinking crimes, self defence, but not based on the facts support the defendant not being guilty. You want to hone in to what they are testing.

A tort call, which claim will succeed? Rewrite: Which is the only claim that will succeed on these facts? You might see multiple torts where a grey area fails. You have to understand what the examiners are looking for.

If you see a multi‑state state question with because or since in the sentence, these are conclusions and everything after will be true. Let's look at example number 1 in your handout.

Now what did I tell you? First, we will read the call. [Reading: If Pete is charged with assault he will be found]

Does that call tell me anything? It does. Pete is charged. I know that is criminal. I see specifically the issue is assault. Now I understand the call. Next I need to understand the facts and break it apart.

[Reading example 1: The State of X ...] That's important. They just gave me a statute. What is an assault? An assault is an attempted battery.

[Reading example 1: As he went to grab the phone ...]

Mind you, he's being charged with assault, what do I need to show? Go back to the statutes. I need to show that and commit a battery.

There are two elements to break apart, but what's the trick? What are the elements in attempt? Remember that's where you have to know your own knowledge. Specific intent? Substantial steps committed to make the crime? Was there preparation versus perpetration? Those you have to show pursuant to the facts.

Based on going through these developments, based on this hypothetical, what element did he put at issue? How about the intent? Did Pete act with a specific intent to hit Mary in the butt? No, he didn't.

Now, I have an idea as to what they are testing: Narrowing down to assault based on battery based on statute. Now I understand what they are testing, I need to look for my answer choice. Look at the four options.

[Reading answer choices:

A. Guilty because he caused apprehension in Mary.

B. Guilty because he should have been aware of others around him.

C. Not guilty because he had no intent to touch Mary.

D. Not guilty because he did not intend to touch Mary.]

Guilty because for A and B.

C and D says not guilty because.

Can I eliminate two right off the bat? I feel he's not guilty. I can eliminate options A and B. Why? It says guilty because. Remember everything after the because is going to be what? Conclusion based on the facts. Because he caused apprehension. I will eliminate those two right off the bat. They don't change the facts.

If it said guilty since, same thing. Same outcome.

It's a time factor. If I can eliminate two answer choices right off the bat without reading them, that makes me faster.

Based on this particular fact pattern, I only have to read options C and D. Now let's see what's our best choice.

(Reading C: Not guilty because he had no intent to touch Mary.) That looks good.

(Reading D: Not guilty because he did not intend to touch Mary.) Wow.

Looking at the answer choice, I would eliminate two, A and B, right off the bat because of the modifiers. But answer choices C and D seem good both of them. How do I know which is the better of the two? What is being tested here? The intent is better than he intended; right. Based on the facts, what would be your best answer choice? C.

When you find, doing a multiply choice question, you have a statement of fact and statement of law, statement of law is the stronger answer choice. Intent.

He didn't intend, C, is the better answer choice because he had to intend to touch Mary.

If you couldn't eliminate two right off the bat, you have to go through and pick the correct answer choice. Let's look at A. (Reading A: Guilty because he caused apprehension in Mary.) What's the statute require? There's no apprehension in that statute.

So I will in 1 minute.

Looking at that ‑‑ doesn't support my language.

(Reading B:guilty because he should have been aware of others around him.) Does that support a specific intent? No, that's like a negligence standard.

Make sure you break apart the elements and go through it.

Regarding the intent, C is the best answer choice because it goes through the elements of the crime. Specific intent. Since we can show, based on the facts, that will ‑‑ there was no specific intent. C is the best answer versus D because he says he did not intend. That's a statement of fact. It's inadvertent. That doesn't support the element. It's not look ‑‑ the specific intent he had no intent shows why the assault in this case fails. Does that make sense?

If you can grab onto a statement of law, it's a better answer choice than a statement of fact.

Remember your job. This is what makes it frustrating for students. For multiple choice questions, choose the best answer. Sometimes there's two. They both look correct and can be correct, but one looks better than the other. The more you practice and get an understanding of how they test, that will help you.

Let's look at another type of modifier: If and unless. When you see a question using "if" as a modifier, everything after the "if" must be true. When you see a question using if as a modifier, everything after the if must be true.

Using "unless" as a modifier, the best and only way I can get these right is to rewrite it. Guilty unless then the statement of facts. I would cross that out and put guilty yes if ... That means everything after the if must be true. I rewrite to a no if or yes if. You need to take the unless questions and make them into an if question.

Let's look at example 2 to see how this works. First always read the call.

(Reading 2: Tammy is a chemical engineer. She has no interest or connection with Chemco. Tammy noticed that Chemcos most recent publicly issued financial statement listed as part of the assets a large inventory of special chemical pound. The asset was listed at a cost of $100,000, but Tammy knew that the ingredients of the compound were in short supply and that the current market value was $1 million. Chemcos stock is currently selling for knife dollars. However, if the true value of the chemical was known then the stock would sell for $30. Tammy approaches sample and offers him $6 a share for his one thousand shares of Chemco stock. If Sam asserts a claim based on misrepresentation against Tammy will Sam prevail?

It starts a claim for misrepresentation. I'm thinking tort based on how it's set up. It's tort. Break apart the element. Is it intentional or misrepresentation.

I read the call and have an understanding of what they're testing. Narrow down the issue to mis‑rep.

(Reading 2 call: If Sam asserts a claim based on misrepresentation against Tammy will Sam prevail)

Remember with mis‑rep, you need an intentional misrepresentation that's one element. It has to be based on a material fact. You have to show somebody lied. Those are the elements you're disconnecting and breaking apart.

Can they determine if Tammy in this case will prevail yes or no? Or is Sam going to prevail? Well, do you find that all the elements of misrepresentation are supported? I don't feel they are.

Can I eliminate option A? It says yes because. Remember because is a conclusion. I can get rid of option A. I don't have to read it.

Can I get rid of option B? No.

(A) we got rid of because of the because modifier.

(B) we have to read because it has the if as a modifier. Everything after the if must be absolutely true. Yes if Tammy did not inform Sam of the true value of the inventory.

Let's go through the elements of misrepresentation. She didn't say anything. Was it a material fact? He would like to know what she knows. Does she have to disclose the value? She didn't make a false statement. There's nothing to show that she would have to. B is out.

(C) no and less. I have to rewrite. Cross out the no and put yes if. Yes if Tammy sold Sam (reading answer B) would that be a good answer choice? If yes Tammy told him, then she made a representation that was false. That would support a claim for misrepresentation. So C looks good.

(D) no if ‑‑ remember everything after the if must be true.

(Reading D: No, if Chemcos financial statement was available to Sam.)

That doesn't support anything for the mis‑rep.

So C has to be your best answer choice. See how we took the no and yes and rewrote to say yes if. You have to make sure a negative call, no and less, make sure you know how to answer those. Does everybody understand why C is your best answer choice?

I'm making you go through the elements of the tort or the elements of the crime. We look at it as one big conception of mis‑rep. No dissect it. Was there false misrepresentation? Was it to their detriment? They will test you on these elements make sure you understand how they work. If you don't apply the facts and show them, you will fail.

Let's look at example number 3. Again read the call. What's it say? (Reading 3 call: In an action for false imprisonment against Raj and children of the Earth, Tillie will most likely?)

What subject matter is it? Well going back to example number 2, answer choice C changes it on you and makes it where it makes her, Tammy, making a representation. If she did make a representation, she would be liable for mis‑rep. Option C does do that. No unless, yes if made a representation that's why C is the best answer.

In example 3, they narrowed it down to false imprisonment.

(Reading 3: Tillie Taylor was a member of the children of the Earth. During one of the organization group encounter sessions, Raj Reel, the group's ladder who knew that Tillie was a paranoid schizophrenic accuse the Tillie of being disloyal to her fellow brothers and sisters. Tillie's disloyalty stemmed from the fact that she had telephoned her parents in disobedience of the groups code of conduct. Ostracized from the group, Tillie fled the commune and returned to her parents home that evening.

After unsuccessfully trying to lure Tillie back to the group's movement, Raj decided to employ a last ditch effort to secure her return. Raj leased a billboard located across the street from Tillie's house. Raj had the billboard printed to read: Tillie the children of the Earth command your return. As a result of the billboard Tillie suffered a serves shock and refused to leave her house fearful that she would be abducted by her former brothers and sisters.

In an action for false imprisonment against Raj and children of the Earth, Tillie will most likely?)

Tilly is bringing an action against Children of the Earth. It's a civil action. It's definitely tort.

(Reading 3) Mind you the call is asking is there false imprisonment. What do I need for tort? False imprisonment. You need intention physical or psychological confinement of another. Those are your elements. Based on your facts what is the issue? They are trying to trick us to say psychological confinement, but did they have the actual intent? They want her out not in.

Based on intent, if I feel there's no intent, will she recover or not recover in this case? Not recover. I will eliminate options that I can. A says recover since. Since is conclusion. B is recover since. Conclusion. I can get rid of those two right off the bat without reading them.

I have to look to options C and D.

(Reading C: Not recover since the defendants did not intend for her to be confined in her home.) That looks good.

(Reading D. Not recover since Tillie was under no constraint to remain in her house.) She doesn't have to be under constraint. That's not a true statement.

C did not intend goes to the element of intent. It's not there. So C is the best answer choice.

False imprisonment you need to make sure the facts support it. Psychologically confined. That's because they didn't break it apart.

Most people who don't break this apart will pick B. She was confined psychologically, but they had no intent.

D says not recover since Tilly was not constrained. This is psychological confinement. In my mindset, I know of your schizophrenia, I psychologically confined you. I will be responsible even though you are not physically constrained.

Remember too with false imprisonment, if you have a means of reasonable escape but your fearful, you don't have to take it.

Intentional affliction doesn't apply because they didn't ask for it in the call. Pay attention to the call.

If this was an essay, I would bring up intentional affliction. Pay attention to what they are asking.

Does everybody understand with example number 3 why C is the best answer choice? What the process and what I'm trying to teach you is what we can eliminate.

The modifiers get rid of right off the bat and eliminate answer choices guilty, not guilty, liable, not liable. If everything after has to be true; no unless or yes unless you rewrite. No unless becomes yes if. Yes unless becomes no if. You have to rewrite those to stay focused in understanding what the examiner are testing. It is a process.

Now that you obviously know how to do these I'm going to test you.

Question number one, what's the first thing we're going to do? If you go back before we start with the first question with the intend versus intent that was a statement of fact versus statement of actual law.

Going back to question number 3, they didn't give me going to directly statement of intent. If C said did not intend, They didn't give me that option choice.

Read the call. It will help determine the subject matter being tested. It's important to read the stem/the call of the question, to focus on whether it's torts criminal law or contract. Then read the call of the question first. Then you read the facts.

If you read the stem, it should narrow you down to give you a good understanding of the subject matter and maybe even the issue they are testing. Like with false imprisonment, focus on false imprisonment was in the call.

First question. May Thomas bring a lawsuit. Issue. Read the facts. (Reading question 1: On November 1, 2009, Mozart entered into a contract with Thomas to play the opinion in his night club for New Years Eve. The agreement was formal $25,000 for the evening. Mozart is very popular and Thomas knew he had a big following and would pack the night club with Mozart as the headliner. On does December 29, 2009, Mozart called Thomas and told him he has been offered more money to play at another club and would not be playing. May Thomas bring the lawsuit now?)

Remember we went from November to December.

What's the issue? Repudiation. What do you need to show? I want to know the elements. If you don't know the elements, you will get it wrong. You need to show the contracts is in executory stages. Yes, neither party has started a performance or fully performed. Can he bring a lawsuit?

Can I eliminate those two answers? Yes, I know he can bring it. I will not even read options A and B.

(Reading C: Yes because Mozart repudiated the contract.) Yeah, that's true.

(Reading D: Yes since Thomas will lose profit without a headliner.) Does that go to any element to repudiation?

C has to be the correct answer because Mozart. Anticipatory breach. If you understand that concept and how it works, you will get it right every time. If one starts a performance is it in executory stages? No. If one fully performed, then it's not in executory stages.

Again for question 1, C is the best answer.

Let's look at question number 2. The most serious crime that Biff can be convicted of ‑‑ that's important why? Convicted, you have to show based on the facts that every element is satisfied versus what can he be charged with. What's the difference? Charged means I can bring up all these charges, but there are facts to support it. Convicted means support each and each one of the elements.

(Reading 2: Biff goes to Jackson's house at 3:30 p.m. intending to break in and take Jackson's TV. When he arrives he finds the door wide open and no one home.)

I'm thinking breaking in and burglary what's the problem? It's not nighttime.

(Reading question 2: He walks in and takes the TV. The most serious crime that Bif could be convicted of is?) The most serious crime we have larceny, robbery, burglary, and embezzlement. Take a guess. (A) larceny. It wasn't his TV. Was there carrying away? He went home. Was it the property of another? Yeah, it was Jackson's.

You would find he is guilty of larceny.

Robbery is not a good choice because there's no force, fear, or intimidation.

Burglary will fail because it's not at nighttime. There was no breaking.

Embezzlement there was no custody.

You have to break apart the elements to see if the facts support your position.

Why would this not be burglary? You have to apply common law. You could find a modern law. No, for multi‑state you have to apply common law unless told otherwise.

There's nothing else to grab onto. You will know based on the facts. Remember common law. Don't jump ahead.

You probably got it wrong because you applied modern law.

Let's look at the next question, 3. Charges with arson. Now we're in modern law. You're not focusing on common law. The call will tell you.

(Reading 3: Mel is painting his car in his garage surrounded by flammable chemicals. He steps outside to take a smoke break and falls asleep with a cigarette in his hand. The cigarette ignites some fumes and burns the garage down. Charges with arson under most modern statutes, medical will likely be?)

What do you need for modern law arson? What's the mens rea? Malicious; right? You have to have some type of intent not by accident. Is he going to be convicted or acquitted? I'm going to say he's going to be acquitted. The only option I can get rid of is A.

I have to read B, C, D.

(Reading B: Acquitted because he did not burn down a dwelling.)

 (Reading C: Acquitted because the garage was his own property.) Doesn't works modernly.

 (Reading D: Acquitted because he did not intend to start the fire or manifest extreme disregard for the danger.) That goes to the mens rea. Maliciousness.

You can see the difference between this question and question 2 where they directed you to modern law. If they were testing common law, will my answer change? How about in common law? It had to be property of another. You can't burn down your own home.

Let's look at question number 4. Again is the man guilty of murder? When you see this murder is there intent to kill? Intent to cause great bodily harm? Now you have to break this apart and see what's being tested.

(Reading 4: A man went into a high school and took an unattended backpack.) What's that? Larceny to me.

(Reading 4: As he was slowly driving his car out of the school parking lot he accidentally hit and killed a student who ran out from behind a parked car.) Did he have intent to kill? No. Did he have intent to cause great bodily harm? Is it wantonly negligent? He's slowly driving. How about the felony murder rule? He's in the commission of a crime, but in common law it's not a dangerous felony. Will he be convicted of murder? No. We're focusing on murder I/II not manslaughter.

I can get rid of C and D because yes because. Those are conclusions. I will not even read them to save myself time. I will look at the answer choices of A and B.

(Reading A: No, because the man did not intend to hit the student. That's just a student.

(Reading B:no, because larceny of a backpack is not an inherently dangerous felony.) That's probably the answer I will go with because it goes directly to my malice. I would go with option B.

For question number 4, B is the best answer choice. Again, you could argue, wait a minute it says he's at a high school. We need more facts. You can't apply modern law. You have to look at common law first. He went on to the premises to take a backpack. I have that. With burglary, you have to have the intent at the time of entry. More facts would be needed. I would not argue modern law because he went to the high school. I don't know if he had the intent at the time of entry. If he did, you could argue we have a modern law burglary. Does that make sense? But for your purposes of the multi‑state common law, unless the call dictates otherwise or there are no other answers, then it's modern.

Do you understand why I would go with modern law? Again, you have to have the intent at the time of entry to commit modern law burglary.

Let's look at question 5. (Reading call). Can you tell the subject matter? Yes, torts. Again by reading the stem, it should tell you the subject matter where your at. I have to read the facts. We don't know what occurred. I know the subject matter of torts.

(Reading question 5: Liz and her boyfriend Lucas were having dinner at the golden dragon Chinese restaurant in Chinatown when she excused herself to go to the bathroom. The restaurant was owned and operated by Wong. As Liz was walking past a table where Elliott another customer was seated, she slipped and fell on an egg roll that was lying on the floor. When she fell, her head struck a serving tray, which was located in the aisle. The fall caused Liz to suffer a severe concussion. Elliott knew that egg roll was on the floor and although he could have done so, he did not warn Liz. If Liz asserts a claim against Wong for the injuries she suffered from the fall, she will most likely?)

Who is she suing? Wong. She's in a restaurant. She's an invitee.

(Reading question 5) Negligence. She's an invitee. Wong has a duty to disclose any unknown dangers.

(Reading question) Who is Elliott? He's the customer. Does he have an obligation to tell her? No. What are you looking at? How long has that egg roll been there? If it's been there for a matter of seconds where Wong couldn't inform or warn, then there's no responsibility. If the egg roll is there for a half‑hour or an hour, will she recover or not? I don't know based on the facts. It says recover because. B says recover if. Everything after if has to be true. This is harder to eliminate right off the bat.

 (Reading A: Recover because the interrogatory roll on the floor constituted an unsafe condition of the premises.) I can't warn you of something that I (indiscernible)

(Reading B: Recover if the egg roll was on the floor for a substantial period of time before the accident.) Does that look like a good answer? Yes, because remember she's an invitee. You have a duty to inspect, discover, warn of danger. If it's there a for a period of time, Mr. Wong should have known.

(Reading C: Not recover unless Wong knew that the egg roll was on the floor.) Not recover unless. Does he have to know? No, Should have known that's not the rule. This question is testing the duty and the breach.

(Reading D: Not recover if Elliott was responsible for knocking the egg roll off his table.) Does it matter? It doesn't. Customers in restaurants it's foreseeable that they spill and make messes. You, as the owner, have the responsibility to inspect situations that could be dangerous. This question is basically just testing the issue of duty and whether or not it's been breached. B goes right to that. That shows as an invitee Wong didn't warn her of this. So B has to be the correct answer choice.

Does that make sense? This is more of a pragmatic of what really happens in life. For question number 5, B is the correct answer.

Let's look at question number 6, which of the following is correct. If that's the question, then I will read the next sentence above it to see if it gives me a direction.

(Reading 6: On October 1st, Arthur mailed to Madison an offer to sell a tract of land located in Summerville for $13,000. Acceptance was to be no later than October 10th. Madison posted his acceptance on the 3rd of October. The acceptance arrived on October 7th. On October 4th, Arthur sold the tract in question to Larson and mailed to Madison notice of the sale. That letter a arrived on the 6th of October, but after Madison had dispatched his letter of acceptance. Which of the following is correct?)

I know I'm in contracts. I want to know the subject matter before I read the full question. Why? It helps me in any executable level and break down the subject matter based on what's being tested. I know I'm in contracts. Remember with contracts, they are lengthy and you have to pay attention to what? To dates.

What you are going to talk about is common law first. You will not ask you the application of the United States. That's common law unless they ask modern. They will not do that. Again times change.

(Reading 6:on October 1st, Arthur mailed to Madison an offer to sell a tract of land located in Summerville for $13,000.)

Stop there. What was created? I will mark up and put an O for offer. It says they mailed an offer. They gave it to you.

(Reading: Acceptance was to be no later than October 10th.

As the offeror, I will dictate that the offer is only open for a period of time. I need consideration either you pay me something or there's reliance. That's something I pull out. I'm not sure what there are asking yet.

We went from October 1st to October 3rd. I've accepted. Pursuant to the mailbox rule, when is the acceptance accepted? Posting means mailed, yes.

It's effective upon dispatch. At this point, I do have a contract. I have an offer from October 1st. An acceptance by his posting on October 3rd. And we have a valid contract at this point.

(Reading: The acceptance arrived on October 7th. On October 4th, Arthur sold the tract in question to Larson and mailed to Madison notice of the sale. That letter a arrived on the 6th of October, but after Madison had dispatched his letter of acceptance.)

See how we're going back in time. They do this to you. You have to watch your dates. Arthur sold the track (reading) So they are giving me four answer choices. I have to eliminate and see which one is the best.

(Reading A: There was a valid acceptance of the Arthur offer on the day Madison posted his acceptance.) I will put a T by there as true.

(Reading B: Arthur's offer was effectively revoked by the sale of the tract of the land to Larson on the 4th of October.) We know that's not true, why? Once there's an acceptance that took place, the contract was formed. It wasn't revoked. Revocation has to be in a timely manner. We know B is incorrect.

(Reading C: Arthur could not revoke the offer to sell the land until after October 10th.) That's false too. There's no option created here. There's no consideration or substitute for consideration based on reliance. We know C is out.

(Reading D: Madison acceptance was not valid since he was deemed to have notice of revocation prior to the acceptance.) What? Go look at the dates. He didn't have notice.

So A has to be your best answer choice. Do you see why? How are you lost. What this is testing, if you understand the effects of the mailbox rule and did you apply it based on the facts. This question comes up a lot on the multi‑state. You need to have understanding. They will have you go back and forth between the mailbox rule and revocation.

Then on the third, you sent a rejection and on the 4th you sent a acceptance. Do we have a contract? Not if I relied on your rejection. I put a rejection in the mail, but called you and accepted. Rejected is accepted upon receipt. You have to understand how they play with you on these areas.

Dissecting the fact pattern and breaking it apart as to who did what to whom. It took affect versus it didn't take affect. You have to pay attention to that and understand your rules.

For question number 6, A is the best answer. Does everybody understand that and understand why?

For question ‑‑ we're going back for four the answer choice B was correct. It was testing the inherently dangerous felony, which larceny is not. For question number 5, B is correct.

Everybody with me? Okay.

You guys are posting to chat so it's hard for me to go back and forth.

Question 6, A is the best answer.

I'm going through a multi‑state and what you did. Do you get a good understanding of what to eliminate right off the bat? We're worried about our timing. You will find taking a hundred multi‑state in an hour, your timing is going to go fast. The more I can eliminate right off the bat, it will help. Focus on the stem, ie, the call of the question.

On the multi‑state, they will mess you up with criminal law versus tort. You have to pay attention to what's being asked. Criminal law is the lowest score on the multi‑state bar. It shouldn't be. They will have the tort answer and you will pick did because you didn't pay attention to the call. The call is asking for crimes. You need to break that apart.

You want to break out the elements of the theory; whether it's a crime or tort, dissect and make sure the facts support it. If the facts don't support it, you can't be committed of crime or be liable for the tort. Always eliminate two answer choices.

When you practice multiple choice questions, figure out the why. If I pick A and it should be B, why is B the better answer choice? If I don't figure that out, I will see the same question asked. You have to take a step back and say why am I seeing it this way.

Murder II and involuntary manslaughter. I would always pick murder II. If someone is driving a hundred miles an hour in a school zone, is that murder II or manslaughter? I told you one, night, Children aren't in school at night so involuntary manslaughter. It's factual. I can take the same facts and say during lunch period, then you ran over the kid. I should have been aware children are there so that would be murder II. It's factual. That's the two differences.

Now I wrote out the why, I get it. I won't miss it again. You need to figure out why you picked the wrong answer, why is B or A or C whatever you chose and determine why you chose that answer versus the right answer. If you don't, I guarantee you will make the same mistake over and over. Merely reading the answer choices is not enough. It won't stick. Some people like to write a flash card on the questions they missed.

I used to write out a word or two of the multi‑state I missed, then when I reviewed it that multi‑state popped back in my head and reviewed my facts. Again, your mind will go back through the whole multi‑state and learn from the actual concept. That's what I highly recommend for you.

You have gone through law school and studied. Start giving me multi‑state. Give me five a day. You have to get in the concept of how they are tested. Why is A better than B? What elements are they testing?

Here they're testing conspiracy. Is it implied by the conduct? You have to break that apart in that detail to correctly get the best answer choice. If you look at it as a whole conspiracy, you will get it wrong. You have to base it off the elements of what they are testing. If you look too broadly, you will get it wrong. You have to break that apart.

Does anybody have any questions on the multi‑state that we went over? If you have any questions please feel free to voice them.

We will review torts next week. I would like you to review torts. Have a general understanding, it's something you studied in law school, but get more familiar with subject matter. Transfer and intent etc. And break that apart. Go through your full check list. I go through not necessarily but I will point out rules to you bull areas that they test.

If you see an intentional tort this is what you look for. You need to get an understanding much what they look for. So you are aware of it. I want you to go over the subject matter of torts. You will have some good ideas about some of the actual concepts.

Does anybody have any questions for me? Again, remember for your intentional torts. You need intent. Actual intent. Desired result or substantial certainty. That's something we will go over. Did I intend the conduct of raising my racquet and swinging it backwards. Then I'm responsible.

It becomes factual. If I'm in an isolated area how would I know you are standing there. Facts are everything. That's why you need to understand, test and break it apart. The call, the question. There's no way you cannot tell whether is tort or criminal. It's against the state or the people. Even though I stole something from you it's not your crime. It's the state's, the peoples, the prosecutor has to be [inaudible] versus two names you know that has to be civil. It can't be criminal. That's why I don't understand why people get it wrong. Pay attention to the parties. You should never get it wrong ever. That's a good tip to pay attention to.

Hopefully you will think about it that way because that will help you.

Any other questions? All right. Your welcome. If anybody has any questions feel free to shoot me a e‑mail. I'd be more than help you.

What we're testing is your analytical ability not do you have the rules memorized.

Next class is next week. These are the Tuesday for the next 9 weeks. Today is the 11th I'll see you on the 18th. All right everybody have a good night.