Tuesday, April 17, 2018

Taft University, Santa Ana Ca

Baby Bar Mini Series Review 6:00 to 7:00 p.m.

>> Welcome to tonight's baby bar mini series. Our primary focus will be the tort essay question and some of the multiple-choice questions. I do want to point out that each session is recorded, so if you want to go back in listen to the lecture or you can't attend, then you can go to the Baby Bar Mini Series and choose whatever lecture you are interested in.

All right. Let's start off with the essay question. Remember in regards to doing the questions, the goal is to get you to write. The more I can get you exposed to writing questions, that will help you with timing, and to have a better understanding of the issue.

I only got a few exams this week. This is for your benefit. I recommend you do write the exams and submit them to I can look at them. On the exam as I teach you, you will always start off with the call of the question. If you look, it says what theory or theories, might the injured milk consumer recover damages from and what can they anticipate. They lay out three. Number 2 is Farmer Jones and Number 3 is GrainCo they are not going to hand you out tort or contract. When I read this call, I know it torts. You know it's not criminal theories. You would see if it said "plaintiff-defendant" so it's not "State Versus the Defendant" so it's not criminal law. I know that going in before I read the fact pattern, it's a tort exam.

What is important about that? At that point you should write out on scratch paper, in shorthand, your checklist. That will do two things for you, one, you will start thinking torts for you. And by using the checklist that will help you identify issues. It's important to use your tools especially under the stress of exam. We have a tendency under time crunch, we think about things and we go back, and no, it's there. So use your tools.

So this call, remember I stated to you, you need to determine whether it's general or specific. And since it says "theories", it doesn't tell me, so it's a general call. General calls are important, why? Because it tells me my point that I use to identify the issue as well as the analysis. So in the I racks, the I and the A are important. Versus a specific call, which would be battery. So it boils down to the A, the analysis. So the type of the call it is important because that will help you dictate where your point is. So it says "theories", so we know there has to be two or more theories.

If I just saw one, I know I've made a mistake if I just have one. I know it says "damages", two or more. And one thing you will see especially on the Baby Bar, they like to put damages on the call. But they also don't even like to give you any facts. So you will have to go through generals and punitives, and they don't give you facts to go to damages, but it's in the call. It's a way to see if you are going to follow directions.

So it says what defenses should they appear? Remember I told you defenses can be true defenses, or it could be could be counter arguments. So how am I going to know which way to go? The facts are going to dictate. So if there is no facts to support assumption of risk, it means there is a counter argument. I might be missing them.

Remember what the call's saying, defenses which is two or more, that means true defense as I know it, or it's a counter argument. Now that we read the call, I have a good number of the torts. And I damages is defenses to look for as well. And I'm ready to read the fact pattern.

The most important thing I can teach you, you have got to dissect the facts. You have to reflect what the examiners are trying to tell you. I think the reason you don't do well is you don't read, but you are not breaking it apart. We are in such a hurry to get through because of the time crunch, we leave major things out. So you might see the C issues, because it's obvious, versus the sub-issues, you won't see; the more I can get you to break it apart the more you can think about it. Again, the more exposures to the exams you do, you can see how they test.

So product, there are five different products on issue out there. Do I understand the difference between this exam and this exam? You need to know which and make sure you understand that. And I'll come back to that before we are done tonight.

Let's go ahead and go through the actual facts. Okay. We will start with the first paragraph. It says GrainCo purchases seed to sell to other farmers. So they are telling you the purpose. Which to resell it. And because of GrainCo like all seed grain dealers. It says here, we have parasites that attack the wheat. Obviously I don't want that to happen, but it says like all seed grain dealers. What that tell you? I'll do what everybody did in the industry; it's common. It's a good fact, and it might be a counter argument that, hey, this is how the industry does it. It treats the seed grain with an invisible mercury-based poison. So we can foresee what is going down. It's an invisible poison to kill the parasites.

That tells me that you sell grain to farmers for replanting. They can't tell that that seed has been treated. That's a problem. I'm thinking that might be a warning defect or design defect, because I didn't know it was treated with the chemical. Especially if you want organic, so you should be think about of that. They sell the seed loose by the truckload. It's loose, it's not in packaging, what does that tell me? There is nothing that you put on the packaging that tells me you sprayed it. This said the GrainCo truck display signs that say "seed grain. Not for use in food products." There is their warning. They are telling me if I sell you a truckload of the seed, you shouldn't use it for food use.

So we are looking at product liability. So they purchase and resell the seed and put on the seed that is standard on the industry a mercury-based chemical. It has to be inherently dangerous in its design. Why shouldn't it be bright orange or something so I can know you used the product? And on the truck it has a display sign, so that goes to whether or not it is a defect.

Usually in a product liability exam, currently what I want you to remember is if you can find multiple defects, raise multiple which in this fact pattern, so far I see two. I do not see manufacturing defect. Because remember that has to be different kind. And I don't see that here based on the facts.

So second paragraph, Farmer Jones bought a truckload from GrainCo. She was present when the seed was delivered. She was present. What does that tell you? Remember they told you that the truck had the display on the truck. So she has knowledge. That goes to knowledge. So the seed was delivered and supervised the unloading and loading in her silo. So that tells me she should know, she was there. She didn't use some of the seed grain to seed in her field. She had some grain left over, she fed it to her dairy cattle. Now we have a problem. They produce milk and the purpose of the seed, is what? For planting, not food production. So now we have a problem because it's been treated with this chemical which is poison.

So at that point for Farmer Jones, we have knowledge and purpose. She didn't follow through with the purpose, and she used it. So we have another products issue here. Farmer Jones sold the milk to Big Food. Big Food is a retailer. Right, so remember retailers responsibility under the theory of negligence is different than manufacturer or distributor. Big Food sold the milk to several people who bought the milk became seriously ill. And the CDC, that investigating agency investigates outbreaks of illness, determines that the milk was the cause of the illness. So they are giving you causation. They gave it to you.

It says CDC traced the milk to Farmer Jones so we know where the milk came from. We see this is products. It's products. Knowing it's products before you even start outlining the exam, remember you should read the exam two or three times because you might get the big picture. But there are some good nuances, there are sub-issues, and if I don't pick them up, those were lost points.

When you have products liability, cause of action, you have several theories. Since the call said "theories", and it didn't narrow me down to particularly one, right? I know I have three at issue. I know I have negligence, implied warranty and strict liability, and tort. So I know going in. So if you see products, unless it's a specific call these are the theories you have to address. That's a lot to address in the three calls. This is a racehorse, and I have to go through each and every one of the theories. So depending on what you start off with, you have to do a strong job, because you are going to steal from it.

There is no fact to support intent; it's a waste of time. I usually do negligence first, why? Because I want to do a strong job in typing up my actual defect. I want to get everything else when I get to liability and strict liability and tort. That's okay to start with too. The key thing to remember is you have to show the defective product. There are several ways to do it, but you want to get it in your exam. I want to show off with GrainCo they are the one that sold and distributed their seed. They have a duty to inspect, discover, and correct. So since they sell the grain, again manufacturers distributors, they treat it with a chemical, and they have a duty to inspect, discover, correct any defects they have in the grain. And they sold to Farmer Jones, and they have a duty to disclose to her. Because she sold it to Big Food, and the seed grain was fed to the dairy cattle. GrainCo does owe a duty to the milk consumers, so it didn't get into an actual food product.

Now your breach, obviously, it's what your duty is, this is where I type the defect. Is it a warning defect? Remember with a warning defect, it exists when you fail to warn of any potential harm that might result from the use of the actual product. Based on these facts, it did tell you that they obviously put in an invisible mercury-based chemical to kill parasites. And they placed a sign on the truck to say, not for use in food products.

Is this enough as a warning? One, the farmer didn't see it. Would I pay attention? Is it adequate enough? I'm going to argue they didn't warn because they didn't make it clear to the farmer that it shouldn't be used in food products. What could they do? Most likely when you purchase the truckload, you make sure on the bill of lading, that it can't be used on any food products. I also see a design defect because of the word "invisible" that should tip you off because you won't know it's treated. Even though it's common in the industry, if -- obviously this is the only way to get rid of the parasites, but if they would indicate to anybody that this has been treated by a mercury-based chemical by coloring it. Then there would not be a question if the grain has been treated or not. It's a design defect because it's inherently dangerous in its design. It's a design defect because you can't detect the poison. So it's inherently dangerous. So use a color or something like that so the party knows.

Now I did my duty for breach, and now causation. And actual cause. GrainCo sold the grain to Farmer Jones. So we have two wrong doers here. GrainCo would say it wasn't us, we didn't feed it to the cattle. This is a counter argument, GrainCo improperly used it, we sold it to her, but for the inadequate warning, and Farmer Jones not understanding you can't use it in a milk product.

So we have two independent negligent acts that came together. This is what we call "successive tortfeasors". The Baby Bar likes this issue. You want to make sure you do understand when it's triggered. It's worth the points. If I show GrainCo is a successive tortfeasor, what does that mean? I can hold them accountable for everything Farmer Jones did, and stuff like that. And then you have proximate cause; is this foreseeable? Is it direct or indirect? They didn't adequately warn. Based on the inherently dangerous design, if you a chemical to poison parasites, somebody could use it as regular grain and it could get into a food product, and people could get sick. That's your proximate cause.

So we have general damages and pain and suffering. Remember the call says "damages". So most people won't talk about specials. You have plural, so in regards to special damages, you have medical expenses and lost income. And there is no facts, I want one or two sentences and get out. But the call dictates so I have to talk about that. I have to pay attention and make sure I read and answer the call. That's important.

Then is there anything else? They feel -- GrainCo does -- that Farmer Jones did this, so they may seek indemnity. They can argue that Farmer Jones is the primary responsible party. And you can bring up contribution and you want to proportion according to fault. They are going to ask for joint tortfeasors, and they have a share of liability. That's my negligence.

Next I look at my checklist, and I look to warranty. I see implied warranty liability and it's there in the general call. And I do not see the implied fitness. So I do any implied warranty merchantability. You sprayed it with the poison, and it produced poison milk. So they are going to be liable in merchantability. So don't forget, you have causation and damages. So proximate cause and it comes back to negligence, because I did a good job.

Remember the call says "defenses". Remember some of you talk about misuse of the product. There is no facts. There are counter arguments in this exam, there is no true defense. If the facts give you nothing that the plaintiff did anything, I know I'm looking for counter arguments. In regards to the first lawsuit we talked about successive tortfeasor, would be a counter argument.

The last theory under strict liability, you placed a defective product in the stream of products. It's supra and a design defect. So you have a placed a defective product in the stream of commerce. So under the first lawsuit you have three theories, negligence, implied warrant, and strict liability and tort.

In the first essay, I want to do an awesome job, and I'm half way through with my time, so I want to steal from that. The second call says Farmer Jones -- obviously it's still products, so we are going to point out in regards to our theories, but remember it can't be verbatim identical. It has to be something different. Farmer Jones, manufactured the milk, and what type of defect is this? It's a manufacturing defect. So in regards to manufacturing defect, it's different kind because dairy cattle produced the milk fine before, and she fed them the seed. And then after it's out of the system, it will go back to normal, so it's a manufacturing defect, so it's different in kind. You state GrainCo didn't contribute by not heeding the sign. If you are seeing something that GrainCo didn't do, and you have to contribute, it has to go to one of the elements, so it's most likely a causation issue. So you can use your checklist and tools. So you will know where the argument fits.

My head notes are important. I have to have them relevant. With Call 2, you see it's a manufacturing defect. In this case the actual cause is just, but for her, but for Farmer Jones mixing the grain into the feed, and they would not be injured. It's foreseeable. If you use the mercury-based poison in your product, and they cause consumers to get sick.

With any damages, I can supra back to my first lawsuit. We go to the next theory which is implied warranty liability. She owes a duty to see that it's fair and average in its use. It wasn't. So she breached the implied warranty liability. This is a racehorse, we are running out the time, aren't we?

And strict liability and tort. Without adequate warning, she allowed it it be mixed and fed to her dairy cattle, and it was defective in regards to the manufacturing defect. Same three theories with farmer, negligence, implied warranty and merchantability, and strict liability and tort. But the defect was different. So we didn't have the same causation as we did in the first GrainCo lawsuit.

I'm answering the call. There is no way she is getting indemnity because she is the primary party because she put it in with the feed with the dairy cattle.

All right, the last one is milk consumers versus Big Food again. They have a duty. What is a retailer's duty? You have a duty to inspect, discover, and correct. But a retailer gets packaging, so the milk is sealed. What do they do unless they have knowledge? There is something they should have known. Prior user got sick so they might have knowledge. So you can argue the sealed container doctrine. So they didn't breach that duty. With this theory of negligence, it's an absolute, there is no breach, I'm done. Don't continue on with causation and damages. Because the retailer under the theory of negligence has no liability.

Implied liability. The retailer is implying that it's in average use and it's contaminated. It wasn't in fair and average use so they did breach the implied merchantability.

You can get them for strict liability and tort because they placed it in the product stream of commerce.

Get in and get out. And of course Big Food does want indemnification. They had no knowledge. They didn't do anything, even though they sold the actual milk. You can argue that Farmer Jones is responsible, so they can't be on the hook against Farmer Jones. And you absolutely have indemnification because they didn't do anything as the retailer itself.

Does anybody have questions in regards to the issues we just went over in the exam?

In product liability, I want you to remember three issues in the call. They shouldn't be able to trick you and you leave issues out. If you did a great job on negligence for all three parties, and you left out liability and strict liability, you won't pass. You need to know when issues come up.

Make sure your reader knows where you are. Once you start a theory, finish it. Make sure you go through all the prima facie elements and break it apart. Always separate them out. The only one in this exam was the implied warranty and liability. You don't want to shortcut it. In regards to after you go through the actual theories, make sure you break apart your elements. If there is more than one type of defect as pointed out, you do want to bring it up. You didn't knock out the assumption of risk. Remember defenses can mean actual defenses or elements. The facts will dictate. That costs a lot of time to write those three theories. It's at least ten minutes. What were your defenses? Successive tortfeasors. Not your true defense, contributory negligence, or assumption of the risk.

So I want you to pay attention, and this is important in the call, who is bringing the action? Who is the plaintiff? If there is no facts, and they do that in the exam, plaintiff didn't do anything wrong, then it's not a true defense. The plaintiff didn't do anything wrong.

One thing brought up, not issue-wise, is res ipsa, we know what happened here. That comes up if you don't know what occurred. But we know what occurred. The farmer fed the poison seed to the cows. We know what happened. And we don't know how it got on there, that would trigger res ipsa. You will know. That's what you will look for, in regards to the facts, they can't hide it from you.

I'm not sure in regards to -- well, remember Big Food is going to be held liable because why? Because they are a retailer. It's a policy reason, that's why they can get indemnity and contribution. Say you get products from China, how can you hold them responsible? If we can hold the retailer responsible, they can reach out and get the party that is really wrong doing. They didn't have a breach, they had no reason of knowing.

They test in multistates, if they expired and they knew, then yes. You will see on multistates, there was one with a defective airplane motor, and they put it together, and there were extra bolts in the box --

Being a reader, if I was reading your exam and saw you had quite a few non-issues, I would be thinking, the student doesn't know what he is talking about.

Damages. They are not going it tell you based on the facts, but you have to bring up damages. And defenses can mean true defenses or counter arguments. You have to be aware of what is going to dictate the facts. You have to go aware of the facts. That's important.

I want you to look these; I sent these out to look at the model answer. I think I defined product liability. You don't have to. If you have a time issue, go right to duty. Time is of the essence. And the other thing, is start off strong. If you are running out of time, and you get to a call, and -- since they have no knowledge, they didn't breach their duty. So you have strict liability and since the product was not in fair and average use, is it the best way to write? No, but I'm running out of time. So I got to get it in the book or let the examiners know that I understood this was at issue, otherwise I won't get my point value and I would be frustrated.

You got to learn shortcuts. The more you learn and go through these, that's going to help you. I can send you five different products that have different answers, and you can see the damages between this product example, and you can go look at the why, and maybe based on this defense was a true defense compared to this exam; didn't have that. The more contrasting I can get you to do, I can't shake you in the exam. You can relate it back to something you have seen. So the more exposure you get, the better.

Any questions before we hit the multiple states on this particular essay question? Everybody understands why we didn't have strict warranty or implied warranty of fitness? There are no facts. And that comes up usually in the packaging. You will see that in the packages. Now if they said on the milk container, it was fresh pure and wholesome. Now my argument is that it's express warranty, but they didn't bring it up. Or the best tasting milk ever. It's on the milk container.

Any questions? As you can see, the more exposure you have, that will help you understand what the essay is bringing up issue-wise and seeing the sub-issues when you dissect it. And I want you to outline your exam. You have to break apart the elements, if you don't, you will miss the sub-issues, I guarantee because you are not giving yourself a chance to think about it. Because you are in too big a hurry, don't let the time be your master in regards to, now they are setting me up for failure, you have to maintain the control. That's key.

Before we jump into is the multistate question.

Again you know there are three unless it's specific as to the call. Can't hide it from you.

First one somebody was asking, you have to break it apart. First one I'm looking at is Question Number 2. Based on the facts in question Number 1. Its Delta was a manufacturer of a Delta Follicle which was sold over the counter. The plaintiff bought a bottle of the product at the drugstore. And it says, "will not damage normal hair."

Jonathan -- I'm under Number 2 against delta. They narrowed you down, which of the following additional facts or inferences, if it was the only one true would be most helpful to Jonathan's case? What's that telling you? First, it's strict liability. So you have to break apart the label. And placed in the stream of the commerce and proximate cause and damages. What would be helpful to Jonathan? We want the plaintiff to prevail, what do we look for? Defective product, manufacturing design or warning, and we have a foreseeable user. So what am I looking for?

(Reading). That does not have anything to do with strict liability. So the fact that it doesn't ordinarily result from a product like this, that wouldn't help Jonathan, and negligence is not the right answer, so A is out. B is did they disclose that, strict liability doesn't have a duty to, in a breach. C. That meets what's called "the consumer expectation test." So remember what's the consumer expectation of the product? That looks good and it's foreseeable. And D, that goes to battery. I didn't finish it because I know it's battery.

So C is the best answer. If you got that wrong, you might not have pinpointed that the theory was strict liability. If I was going to choose which best theory we can use to sue, but that's not what they were asking. This narrowed you down to strict liability, so pay attention to the call. The other answer, if you didn't pay attention is always there, so I need to make sure.

In regards to question Number 3, Watson, is what? The retailer. Which of the following would be Jonathan's most effective argument? We know it's false because it's a sealed container doctrine because they are the retailer. The product was defective as labeled. What did it say? "This product will not harm normal scalp or hair." I'll put a check there. Who are we trying to hold accountable here? Watson? But they didn't make the express warranty. D (reading) is that true? No we know about the sealed container doctrine. They have to have a knowledge; in other words, to breach the duty upon them.

If you got this one wrong, you need to look to what? Who we are going after, which is the Watson Drugstore. We know negligence won't work because we didn't get the theory. I'll pick the answer that will deal with that. That's important.

Okay. Next one was Question 12. Big jump. Remember I hope you are reading the call of the question first, the stem to get an idea of what is being tested. You should be noticing at least a third of the time they are directing somewhere. That's important. So I hope you are breaking it apart. So we are under products, what product are they under? What element are they testing? Also I notice some of you sent me your answers and you missed quite a few, and I want you to go back to write the why. Why did I see it this way? We need to pinpoint that weakness because you will do it again. Once I see it correctly, then a lightbulb will go on.

You will look at the call. "Perry will be successful if --" What's the issue? Defamation, so you have to think of your elements. Don't just think defamation. It's a false defamatory statement. To a party who knew or understood, versus liable or slander. Make sure the examiner knows that you know what you are testing here. They know that about us. We need to dissect that and break it apart and go through it.

Now that I have done that, he will be successful if what? Let's go through the fact pattern. We know they are at a cocktail party. And there are people there. And he said, (reading) I was hoping to run into in you. I was hoping we could go an into partnership together. And -- (reading) if we are going to have to look at all elements. Was it a false statement? Was it published negligently or intentionally? So it's slander. Now that I went through an elements, I'm ready to read the answer choices and determine what is being tested here. A. Doesn't have to know. Douglas knew that the statement was false when he made it? Douglas should have known that it would be heard when he made the statement. If we are talking in a cocktail party, I have to have reason to know that people could hear what I was saying.

We have general damages. So C is the best answer because it has to be published to a 3rd party.

If you can't tell if it's a false or inflammatory statement. A and B are so similar, can't be. We know by that overhearing, and they are testing the publication itself. If you got this one wrong, that's where you write out the why and break that apart.

Okay. Another one was Question Number 16. Again, you should start with the call. Which of the following is Samuel's most effective argument against Barry's claim? So it's most likely a tort. Barry was interested in buying Sam's house. But he knew that the houses were infested with termites, and Barry asked if there were termites in the house, and is Sam said, none. He believed the statement to be true. He should have known. Or an innocent? He purchased the house, and moved in. And he discovered that the termites had been damaging the framework for years. And he sues for negligent misrepresentation. So we need a false statement which was made from a lack of due care, or one justified or lies to their detriment.

What element do you think they are focusing on? There were termites, and so he just lied. So the element they are testing here, was it made with an a lack of due care. So we are looking for which of the following is Samuel's most effective argument and defense against Barry's claim. So we want to show it fails so we want to show he didn't have lack due care.

So before I go to the answer choices, do you see how I honed in and see how it's tested? If I don't break it down that far, you will get the second best answer. So you have to see what is being tested. Same thing as you do on the essay, so you have to hone in on what they are testing.

So go through answers choices. Answer A, he didn't know there were termites in the house. That's true, but that's a statement the fact. Doesn't show any absence of due care. B, he didn't know there were termites in the house; he shouldn't have said I don't know. That's not a true answer. C, his statement that there was not termites in the house was an expression of an opinion. Was that an opinion? No. D. Samuel's brief there was not termites in the house was reasonable. He didn't lack the exercise of due care, that would get him off if we could show that. With negligent misrepresentation, it's based on, you should have known. D would be the best choice.

If you did get this one wrong, what's that mean? That means that you didn't break apart your elements. So you need to dissect it. If you look at it as a whole, it will get you every time. You need to break it apart. Again if you have questions, some of you did email me.

Let's look at Question Number 18. Okay. This one, is -- {indiscernible}. What is assault? You know it's Janice versus Mike, Ally, a 13-year old girl, was part of the Fireside Scouts. Mike knew about the project and phoned her mother before they left home. Mike said, "we have your daughter, we already beat her up just to her hear scream." Since there was no way to locate the campsite in the woods, she could not find out whether mike was telling the truth. She was in a hysterical state until Ally returned home.

Now we are coming after assault. So if Janice asserts the claim, will she prevail? There are a couple problems here, what are they? Remember, an assault, you have to have what? The intent, it has to be an imminent threat. Who is he threatening? The daughter. So there is no imminency, and it's not to her. She might be better off suing for emotional distress. So is Janice going to prevail, or Mike? I will look at C and D. She did see harm. (Reading), the assault would be for her. You can't extend it to a third party. So maybe you weren't focussing on who is the one being assaulted. So you can't shift her heart attack to him through intentional tort unless we change the facts to emotional distress, or if he knew about her ailment and did this anyway. You should be seeing in the multistates too, where a guy has a pacemaker and he touches a classic car, and the guy had put a shock on his car, and you have proximate cause problem.

In regards to that theory, you should be seeing some of those twisters in regards to the multistates themselves.

Questions? So transfer intent on this one, he had -- what was the actual intent? The facts told you here, she asserts a claim for assault. So his intended crime or tort would be emotional distress. But the transfer of intent doesn't work for emotional distress. And they told you about the assault. So if you are trying to transfer the assault from Ally to the mother, they don't have Ally. So remember how transfer intent results, intended victim to the actual victim. Or the intended tort, which the actual tort occurred. So the intended victim here was the mother all along, not the daughter. So you do want to work on the transfer intent.

Again, look at the what was the intended victim or tort and what was the actual victim or tort. The intended victim in this case for the assault or for any intentional tort was Janice. So how would a transferred intent doctrine work in this case? Maybe that's why you got it wrong if you use the intended doctrine.

So does that make sense why you can see the transfer intent doctrine isn't going to work in this case. So D would be the best answer.

That's where they know under pressure on the exam. We let it take control, that's how we make silly mistakes. We have to break it apart.

There is another one. Question Number 21 (reading) Sunset's best argument in defense is that, this is was embarrassment was infliction of emotional stress or negligent inflection of emotional stress. It's your job to determine if it's intentional.

(Reading question). Is this intentional or negligent? Let's look at your answer choices. In regards to disposable bathing suits. We know that's out.

B she suffers no damages. You need to see some sort of manifestation. That doesn't go to element of embarrassment which would be intentional or negligent infliction. Looks like what they are testing is intentional emotional distress. What do you need? Modernly is different. Distress would be enough. Remember, you are supposed to answer the multiple choice questions how? You should use commonly, unless dictates otherwise. You have to answer with commonly unless they tell you otherwise.

So I always read the stem and the call first. And once you get the facts, I break apart which theory is being tested and what theory are they looking for in that question. You have to break it apart that far. That's very, very important.

So we have seen all the torts. Next week we will review all the contracts. That doesn't mean you abandon torts. You have to go over your checklist, and now you will add contracts. It's a building process. If you ignore it for a week or two, you can't afford to do that. Up the ante and start with torts.

The more I get you involved in spotting issues in the multiple states and the essays, the more you understand how the concepts testing. That's what this is all about. You can know them well, and you may still fail. Why? The key is do you know it's application. So I want to you to work on those.

Questions for me?

If you have questions, shoot me an email. And if you want product exam questions, shoot me an email and I'll send them to you tomorrow.

Start writing the essay, the more exposure you can get the better. You can go to Taft websites and there are tons of Baby Bar questions, with model and student answers. The more you can get a hold of and understand how they are being tested, the better.

So if there are no questions, I'll talk to you next week. Good night.