Tuesday, August 14, 2018

Taft University, Santa Ana, CA

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

INSTRUCTOR: Good evening, we will be starting in approximately five minutes.

Welcome to tonight's baby bar mini series, we will be start in approximately two minutes, thank you.

We will be starting in approximately one minute. '

Good evening everybody and welcome to tonight's baby bar mini series. Before we get started I want to point out that the sessions are recorded so if there is a particular class you can't attend or if you want to go back and hear the lecture, click on the Taft website and click on the baby bar mini series. So everything is there, is posted online for your convenience.

Before I jump in, I want to give you an overview of what we are doing here. The subject matter we are focussing on is torts. Obviously you've had a tort class, so I won't give you the actual definitions. You should be relatively familiar with those as to what is a battery, or negligence, etc. I'll mainly point out to you how the examiners test. The more you understand how the particular question comes down in regards of how they test the concept or the elements they like to focus on, the better you will do on the examination.

We are going to go over torts, and I recommend that you study, and say you are only studying a couple hours a night, break it apart pursuant to your checklist. That means say I'm going to focus on my intentional torts, and I'll do some multistates. Pull out your Finn, strategies and tactics, and focus on the intentional torts as in that area that I studied. I'll do that to that will give me a good idea of my weaknesses. If I do quite well on the multistates, that tells me I really understand intentional torts. Then I go to negligence, and I don't do so well. I have to hone in and I see that where is my weakness, and maybe I don't understand the duty or on different types of duties. So you can isolate our weaknesses, and that's what you want to work on. Obviously we want to keep our strengths but we want to reduce our weaknesses.

So once you get through the full tort checklist, then you are ready to do what I call simulated in torts. So say you got 25 out of fifty right on a the checklist today, then you'll say I don't know about you torts. By isolating how I said to take it by section, you will then pinpoint what your weaknesses are as well as your strengths. So it's important.

For some reason when we study we feel defeat and we have to look at the positive as well based on how we are studying. That's what I recommend. Once you get the torts done, go to the multistates. Start working on issue spotting and then go to contracts and do the same thing. But when you go to contracts, that means you can't abandon torts, say I can only do twenty in multistates, then I will do ten in torts, and then add ten in the contract area I'm studying. Why? Otherwise you'll forget and you will not be frustrated because it's like starting all over again. It's a building block process, so you will have torts and contracts and then crim law.

How we'll do the lecture? I'll go over the substantive law. After that we will review new week, and go to the an essay question and multiple choice, and then the next subject which is contracts, and then do the same with crim law.

Now the first thing I want to point out is to do well on the examination, you have to have a checklist, either the Taft's or your own. Why? You can use it as an issue spotter, so you won't forget issues. It's different in the law school class versus the baby bar, it's the pressure. We have a tendency to forget things under pressure. So use your tools and assets. And so I have a checklist, I can run it through the checklist and you can see if I left anything out, or you can see sub-issues. So say on the test, there is a question on negligence, oh, there is a special duty I can argue. The invitee became a trespasser, so there are issues that I would pick up by running through my checklist.

Remember when you read the essay as well as the multiple-choice question, I want you to remember the call of the question. That can give away what they are testing. And they will pin point where you are. Even today had a student with a question and he didn't like the multistate and didn't agree with it, but it asked for the best defense of the defendant. That means you are looking for a way to get him off, even though all the answer choices weren't good. What he did was wrong, I need to find something to try to alleviate him from responsibility. The call dictates. We don't always like it, but that's the way it is, and make sure you are answering the call. If you didn't pay attention to the call, and you will pick the right answer to different type of call. But we didn't do well because of the call of the question. That's important.

If you have any question, place them in the chat box, for some reason the question and answer doesn't show up for me. And I'll be happy to help any way I can.

Intentional torts are good exam to test. They do come up sometimes on the essays, and definitely with the multistates. What the examiners see is that students have a hard time with intentional torts. That could be because you don't have the set up, you don't carry it all the way through, you don't have the actual elements. There are a lot of holes there. They test that, you want to be aware. An example or approach to the intentional torts and this is something you should keep in mind, I want to identify the tort, assault or battery? Actual cause, proximate cause, damages and defense. And that's the set up.

With the actual or proximate cause, it's not at issue, so you won't address them. Sometimes they are at issue, so you will have to address them. A lot of times people don't bring up damages and they always forget defenses. So this is a set up, and you will force yourself, and you will get the issues in the examination. With intentional torts you have to understand what is intent. If you have intent in substantial certainty, desired result or the transfer of intent doctrine. With substantial certainty, so you are looking for conduct; desired result is kind of what I wanted to do; and transfer the intent doctrine that works for the five writs of trespass where you are transfer from the actual tort committed to what I was going to do, or from the intended victim to the actual victim. That comes up on the multistate, you want to be aware of it.

For assault you want to look to the words alone, remember, are not actionable. So key thing they test with assault is imminency there. You can't argue that there is an actual assault. It's an imminency element that is the primary thing they look for.

Battery, you have the intentional touching of another. What they like to test there is an extension of oneself. If I kick your dog on its leash, or I'm mad at you and you run in lock yourself in the car and I kick the car. You can argue that's an extension of oneself in order to find the battery. The other thing I notice with batteries people look for the harmful touch you. I don't have to physically touch you. It could be blowing smoke in your face, that would be considered offensive and that would be a battery.

The other thing they test, it's something that is socially acceptable. So if I'm in the elevator and I touch you on your back and say can you push the button for the floor, that's not a battery. Say I walk on the street and I trip and I grab the person in front of me, to stop my fall, that's socially acceptable.

False imprisonment. What they like to test there, words alone are sufficient. It's different than assault. Threats can cause the confinement. The one key thing they like to test here is with false imprisonment you either have to be damaged by it or you have to be aware of the confinement. So either you have physical damage or your aware of the confinement. So you want to pay attention to that. Remember, you have to go through all the elements. So was there intent? Did you have physical or psychological confinement? You want to break those apart. Was there intent? Or is somebody locks the store not being aware that someone was in there, so you have to look for intent. You have to look to see if there is intent. Sometimes there is based on the fact pattern and sometimes not. If they give you words like inadvertently, you are looking for a negligence issue. You need to be aware or damaged from the actual confinement. If I'm in a coma and locked in the hospital room that's not imprisonment. Or if I'm locked in the room, and a fire breaks out and that causes me to get burned. Now I'm damaged by it even though I wasn't aware of it.

Trespass of land, they will test various areas. First of all, they'll use the word trespass, and you want to determine if it's intentional trespass or a negligent trespass. There is a distinct difference between the two torts. When intentional trespass, they try to trip you up with, I didn't know it was your land. So if you were walking on this path, and you scoot over to get some one pass, you can still have a trespass even though you didn't know it was somebody else's land. You had the intent or acting with the certainly to walk in that area. You don't have to have the knowledge that it's owned by somebody else. Key thing with intentional trespass is to focus on the elements. Did you have the intent and was it on the land of another. That's it.

Remember you can show intent by substantial certainty, desired result, et cetera. Versus negligent trespass. Inadvertence, didn't mean to do it. You have to show actual damages. So in essence they will tell you an airplane needs to do an emergency landing in a farmer's field and destroys the crop. Was it intentional or negligent? They were doing an emergency landing, so they were acting with substantial certainty. Or the desired result was to land in that field. That would be an intentional tort. Versus they tell you it inadvertently drops out of the sky that's a negligent trespass and you have to show damages in order recover. So look to the actual facts. Sometimes they tell you there is no damage so there is no recovery. They are aren't going to tell you if it's intentional or negligent act in the tort so pay attention.

Trespass to chattel, that's the intentional interference with the chattel of another. Confusion comes with this tort is the interference a trespass to chattel or conversion? You need to see what in conversion? It's an intentional exercise of wrongful dominion control over property by another. You'll look at was the conduct, meaning what I took or obtained, a complete destruction or substantial interference?

Say you go to the bowling ally, and you pick up what you think is your bowling ball and you go home, is that a trespass to chattel or conversion? On an essay you could write on both. Is it a substantial interference, even though you mistakenly took the ball home, mistake is not an defense to an intentional tort. You intended to take that ball even though you thought it was yours. So there will be a tort found there, whether it's a trespass to chattel or conversion, I would argue you it to be a conversion because it's a substantial interference.

When you do see intentional torts on the exam, make sure you identify all the intentional torts you can argue. You don't just find one and leave. A lot of times there are multiple.

Now the fine of transfer of intent doctrine works, I want you to know what they are: There is assault, battery, false imprisonment, trespass to land, and trespass to chattels, you can't use the transfer of intent doctrine for conversion or intentional infliction or emotional distress.

Another tort. Emotional distress, they'll use that work. It's your job to determine, is it negligent or intentional infliction of emotional distress? You are going to look to the actual intent. The elements are different, so you need to pay attention in regards to your recovery. If I tell you Tom was angry at Peter, there was some type of intent. While driving to the store to get milk, Tom saw Peter walking, and jumped out of his car and pushed him done. What torts are we really seeing? He's angry, so it's intent; he pushed Peter, so we see the battery. What are the fact that he stood over him support? That's an odd fact. It's an argument for a false imprisonment. It doesn't mean it's going to succeed.

Your intentional torts will be on the multiple-choice questions, and sometimes on the essay questions. So follow your approach, identify the tort. You'll want to use that approach on the multistates to help you to narrow down what they are testing. Is it battery, but they're testing a causation? Or is it a battery, but are they testing the intent issue? That gives an idea of how the issues are raised on the fact pattern.

When you are looking at intentional torts, look to defenses. They are not natural to us. One defense people miss, follow your checklist, mistake is not a defense to intentional tort. Pay attention.

Negligence is a good theory. It's a theory you should know strong. First, you want to know whether there is a special duty. If the facts raise the special duty, start there. I use the mnemonic SOLD I have S is violation of statute, O stands for omission to act, and L is the land or occupier, D is the duty owed. So I look SOLD being based on the fact. So you will look for the statute on the exam. The longer the statute, the more you be aware, because it's probably not going to work. Make sure you look to intent of the legislature. Remember the class and was it trying to prevent this type of injury.

Example that comes up on the multistates, say I run to the Subway for a sandwich, but there's not parking so I park in front o a fire hydrant. What's the intent of the legislation about not parking in front of a fire hydrant? It's to fight fires, not to prevent somebody from running into my car. So it could be a type of damage in regard to car or persons. But the intent of the legislation would fail. Omission to fact, there is no duty. Unless there is a relationship, you undertook take the taking, now you have a responsibility. You will see this on the multistates, where a boat is out there needing help, and there is another ship show up but keeps going, and he didn't take any steps to aid. Versus he stops and says you're fine and leaves, now there are different consequences. If you are the person that created the peril, you have a relationship and on obligation in that case.

Land, owner, occupier. Break it apart. You have to stand back and look, is it an invitee? Or who is responsible? First they are an invitee and then they became a trespasser, because they went back to the area where it says "employees only."

An area where they mess with you, is look, it's an invitee. And you have to duty to discover and inspect and warn of defects. So I went into to the liquor store to get change for a meter, so you are not an invitee. They are open to the public, so you are classified as an invitee even though you are there for change only. So is you have a duty to inspect and warn.

We have common law where you are an invitee, and he is a trespasser, and if it's a child you can argue an attractive nuisance. If you -- falls back to the general principle or rule as a reasonable prudent person. If I look at the approach where I tell you about the special duty and the special duty fails, then go to the general duty, you will never make a mistake or forget. So if it doesn't succeed or fail, you fall back on the general duty. You have your Andrews and Cardozo which comes up. And with an Andrews Cardozo problem, there is no relationship between plaintiff and defendant. If I hit your car that's not, but if there is a witness across the street bringing action against me, we have to relationship, that's an Andrews Cardozo. You have a child, so in an adult activity.

With a common carrier, you have a duty but to whom is that owed to? If I'm walking across the street and the bus hits me. The duty is to the occupants of the bus.

Breach, you have a general breach, you have res ipsa, they used to use the word there is no evidence. That would tell me that's a res ipsa breach. I don't know how the breach occurred. That's when res ipsa comes into issue. It helps the plaintiff. If I walk into a store and a light falls on my head, I can't say that the manager did it, it shifts the onus on the other side.

Successive tortfeasors, you have two wrongdoers that come together. And I run into car, and the ambulance is called and they are negligent and drop you on your head that's a successive tort feasor.

With proximate cause, is it a direct act? It's a give me get in and get out. If I hit your car, is that a direct act? Absolutely. There is damage, done. That's a give me.

If I hit your car, and it causes the car to run down the hill and hits a cat and a little boy runs out and falls down and hits his chin. Now was that definitely dependent on my act? Is it foreseeable or unforeseeable? Another example could be, say, there is a car accident and the paramedics are called on the scene, and while on the way there, and a car runs a red light, and hits the ambulance, and the driver gets hurt and sues you. It would be dependent because they had to be called because of my accident. The negligent act of the party, the one that ran the red light, would be foreseeable. So I would be responsible to the paramedic. You want to break that apart. You want to understand what is foreseeable. Normal acts the god, acts the animals, act the parties. Generally acts are not foreseeable. If I see you about criminal activity, that's foreseeable.

So a guy goes to a friend's house for tea, and a robber open the door and rob him, he knew previously of the criminal attacks on the people in the building. Because a general rule, criminal acts are not foreseeable, but he had that knowledge. So it's foreseeable.

That's your proximate cause, go through your steps that will help you to get the correct answer choice. The best answer choice.

Damages, you have general and special damages. Don't talk about punitive, it's extremely rare they will give you that. And I use the mnemonic Clark, C-L-A-R-K. Can argue the C and L has a clear chance doctrine to relieve themselves from responsibility. A and R are the assumption of risk, and you have comparative. You would do both contributory and comparative, because the examiners are not going to tell you what jurisdiction you are in. That's why you do both on the examination.

Defenses come up more than you realize. It could be until call of the question, and they ask you viable theories and what defenses. That can mean true defenses, or it could be counter arguments. You have to go look. So you have to pay attention to the call, sometimes you are reading the facts and it don't pop off the page that there is a defense here. Versus it's obvious in the facts and you have to bring it up. They tell you John was hit but he was the one running the red light. You might have a defense there. He wasn't wearing a hard hat contrary to company policy and a brick fell on his head. So based on the facts, you look to facts and that will dictate your defenses. They come up more than you think. If I didn't look for them, you would have three, if it was negligent at issue, comparative, and assumption of the risk. That's 15 points. You want to look to your defenses.

On the last baby bar exam, which we will go over eventually, they had an negligent examination, they didn't have defenses and it was obvious in the call. So that's an example where you don't have to worry about it. There is nothing in the call and it's not in the facts. That did have a trick to it and we will go over there.

Strict liability breaks apart in two, animals and strict liability. It's going to be a propensity of the animal, a dog bites, a bear trespasses. You have to have propensity. Is it a strict liability claim or a negligent claim? Versus, dangerous activities. Versus exposure, and crop dusting. Things like that.

So with strict liability we are not looking at fault, it's liability regardless of fault. So on a multistate question, I can see negligent or strict liability. I don't have to show duty or breach. It's liability regardless of fault. So we break that apart and go through that. It's important to understand the difference.

With strict liability on the land, so an abnormally dangerous activity. So you want to look for private nuisance. Could I argue strict liability or a privacy nuisance? They have a tendency to go together. You don't want to just argue strict liability, they can raise multiple issues.

All right. Product liability. That's a beast to a lot of students. You have to show a defect in the stream of commerce. Based on the manufacturer, retailer, or distributor. They are not talking about an endorser.

There was product liability, but it wasn't -- when you see products liability, and I see based on the call, what theory of liability and -- I'll read the facts and see if I can find battery or express warranty or anything else. You always have, if it's a general call, those three theories to address. Even if it was a retailer, I'm still going to bring up negligence, but what's the difference between the retailer and manufacturer negligence? So under the sealed container doctrine, any breach the liability because I can't open each container and taste the milk. So you will have those three theories to address and you want to break them apart.

Battery, you are going to know, it comes up every once in a while. There is one question where a doctor gives a medication that causes blindness, and they were aware.

If you were in a breach, you will address type of the defect. Is it manufacturing defect or warranty or design? And how many am I going to look for? Generally two. They are looking for two types of defects. You can argue that based on the facts. Usually it's design or warranty. Manufacturing has to be different than the rest of the line. An argument would be, a farmer using a contaminated seed that she shouldn't feed to animals, it's for planting crops and she does and the cows produced milk that caused an illness. So that would be a type of manufacturing defect.

Remember with negligence you still have to show the duty, the breach, the actual cause, the proximate cause, damages and look to your defenses. You have your warranties and express warranties. The key thing they are looking for is what they call puffery. You can see this in advertisement, they say this is going to make your hair grow, and be shiny. It's puffery. With express representation, you still have to show causation and damages and look to your defenses.

Merchantability? Remember every product has an implied warranty. And there is causation and damages, and defenses there is an as-is clause, and you waived it based on the facts. Implied warranty for fitness for a particular purpose. You made a representation in regards to the product. Say it's a bicycle helmet, you say it's safe and lasts in any crash, and of course you get in a crash and it cracks in two. They breached the implied warranty of fitness. It breached the implied warranty.

If you see a general call, you know negligence and strict liability are there. If you see a question that is very specific, can the child sue for strict liability. That's all there is. There is one they did in the baby bar. The call will dictate. And there was one on the bar exam with the cold drink blender, the calls were all out of order. They start with 1A with a defect and then B they talked about in regards to defenses and then C we talking about the strict liability. And 2 A dealt with negligence, they took everything out of order that you learned, and they want to make sure that you understood what they were asking. So the call dictates.

In an exam like that, and you didn't follow the calls, and you used the product approach, and backed that up, and you want to make sure you follow the call of the question.

Your strict liability and tort, go through and show a defective product placed in the stream of commerce. Generally when I see products, I did negligence first, because I do an assumption job with the type of defect and steal it for everything else. You want to be strong at first and steal it. You can't sue an endorser for products. You want to pay attention to who you are going after.

Another theory that comes up is vicarious liability. You have your employer and employee, and is an independent contractor and was that a nondelegable duty. So say you had somebody do the brakes in your car. And you get in an accident, it's an nondelegable duty. You are going to be held accountable. There are other duties based on things open to the public, you can't delegate to other companies.

Things peculiar in Reuss, you can't cut down trees and delegate that authority to somebody else. Another thing they test is bailor and bailee. So you might have a person working at the desk at the hotel, and there was a thief and stole things from the safe, and the thief was there, but the bailor created that situation so they will be held accountable.

Nuisance, doesn't come up too much. And there was one that dealt with that, and it was, did it deal with at public nuisance or a privacy nuisance? You had to argue based on the facts.

If you have harm in a different kind, the only one that can bring it is an attorney. You have privacy nuisance, it's not a one-time thing, somebody barbecues and smoke comes into my house, it's a one-time thing. It generally something you can't touch: Smoke, gases, noise, it's not tangible. And you argue that as a nuisance. Coming to the nuisance, it's not a defense, but it's generally not a valid defense.

Defamation has not been tested for a while on the baby bar. Student don't do well on the defamation. You don't break it apart enough. So remember defamation, you have a false statement, published either intentionally or negligently. You need to break the elements apart and argue them. You don't just want to look at one and get in and out and bee bop through it. You want to break it apart. Is it a false defamatory statement? You want to look based on the fact which they have tested, is it fact or opinion? They have one exam out there, Judge Bright, where someone is complaining saying he is not very smart, he is always drunk on the bench, and I think he doesn't know his law. That's three statements you are going to break apart and see if it's a fact or opinion. I don't think he is smart, that's an opinion, drunk on the bench, that's a problem. Doesn't know the law, arguable. One will succeed, one will fail, and one will be a gray area. So you want to break it apart and see if it's fact or opinion.

Another one, Darby is a snob and she prevented her friend from joining a club. So she is a snob? Is that a fact or opinion? So you want to make sure you let the examiner know you know what is being tested. So you have published negligently or intentionally. You should have known. You have to publish it to a party who knew or understood.

So that means, say I tell you Mary is pregnant, but I drew facts that she is five or unwed, then I'm giving you different implications about this person. We need intrinsic facts to understand the meaning. So colloquium deals what group? All lawyers are shysters, that group is too big. You can't say you are referring to me. You have to narrow it down. You have to show specifically that's that small a group, that's who you are defaming. That's libra pro quad. The only way that comes up, it's not defamatory on its face. There is no way I can hide it from you. A lot of students don't understands this doctrine.

Next you look to see if it's libel or slander. If it's libel, damages will be presumed. Versus slander you have to prove it up. If I say something here, we have a tendency forget. Versus a handwritten form, where you are more likely to remember it. So they presume damages. You also have slander per se. If it defames you in a particular category, they are going to assume general damages. I use CLUB what does that mean? C is crime, L is loathsome disease, U stand for unchastity of a female, and B is business. If I disparage you in one of these areas, and it's spoken, that would be slander per se and general damages are presumed.

Special damages are never, never, never presumed. You must plead and prove them up. But if I have a defamation case, and what does that mean I have to ask for special damages. But if you want them, you have to plead for them. You have to lay it out in order to get recovery. They are never presumed. I know some students get confused.

Then you have your defenses. With your defenses, break these apart in three categories and you need to know what category is being tested and then you need to know the inner of the category. You have your qualified privileges. You are husband and wife, or constitutional privileges. That's dealing with the First Amendment and the media has the right to free speech. If they publish something wrong should they be accountable, and what we look to is was there malice. They are basically a movie star, saying something that is truly defamatory, and they know it's not true, to be able to be held accountable for that. You have absolute privileges, what I call speech and debate, it's protected and your consent and your truth. If you consent to the statement, and it's published, then it's true, not defamatory. Those are the main defenses for defamation.

And you want to make sure you carry it through in your approach. Did I show the defenses and notice how I say defenses. I want you look for defenses. I don't care what the tort is, two or more, two or more. It's rare you only see one. Go looking. If are force yourself through the steps you will pick it up. Again, the same facts can raise multiple issues. That's where we go wrong, those are the facts, we are done. It can raise another issue. You will pick that up. It's important.

When you do see defamation, you could easily based on the call go to invasion the privacy torts. I break these apart. There are four. These do come up on the multistates. The you portray me falsely in the public eye. You have intrusion upon seclusion, you invaded my face. You have to look to the facts and see if the somebody was looking at the bathroom window. That would be intrusion of seclusion.

Remember, it must be for commercial gain. So if I take your picture and go sell it, that's okay. That's an appropriation of your likeness be sure. If there was, we wouldn't have newspapers and magazines. But I'm use your likeness for business, that is appropriation of likeness. If I'm taking it into my business, look who drives my car, or come into my store, that's a no-no. You need their consent. With these four, generally consent works for all of them except for false -- in the public eye. You can't use truth for intrusion on seclusion. Truth only works for false line in the public eye.

Say I told you the defamation was done intentionally what other tort could I grab on to? Intentional infliction of emotional distress. The more you understand this, look for this and this, you are going to rack up the points because you will understand that tort can coexist with other facts.

You can go through the elements of the intentional infliction of emotional distress.

You have to have an existing contract. You have interference with advantage. You don't have a contract, and is you know you are going to get it, and you interfere, you have misrepresentation. That comes up. Intentional misrepresentation, which is the same thing as fraud. Like product liability with an endorser, you can go after them for negligent misrepresentation. It's a false representation on material fact on which you rely. If you go buy a product, and it causes you harm, the endorser is going to be accountable. So you can't just make a representation because people are relying on them and there is trust there in regards to the actual product itself.

Also in torts, you have remedies and you will have to through and go there your general damages and if there is any special damages or punitives, and then you go through damages, and carry that all the way through. The other thing to be aware of with damages is mitigation. Say you had insurance, but it's something that could come up. Multiple tortfeasors. That comes up on the multiple-choice questions. I want you to understand that. Who can I sue, can I go after both or one or one and the other?

As you can see in regards to going through it, there is a lot of inner meat there and break apart and see how it comes up. Especially on the multiple choice questions because you have to choose the best answer choice. Once you start playing with these, you will see why these work or not.

Say I was in school, and I wanted to play a prank on my friend and I pull out a chair and he falls on the floor. And I acted with intent to pull out the chair, that was offensive that's battery. I give you the same fact and tell you basically it's the Academy Awards. And Mel Gibson sits next to me, and I pull the chair out under him, and he falls, and he will sue me for intentional infliction of emotional stress. He is in front of his peers and he has notoriety. And I need to be able to pick that up so I do well. Same facts, what's the difference? Here we are in front of a lot of people who know me, not second graders, so it's something like that.

It's important for to understand and learn how they test. So practice and start plugging it back into the checklist. So any time I miss one, I will want to figure out why. What's difference now between these two. So you go and figure it out. So even if you read the choice, sometimes it doesn't give it away. I still go, I don't see the difference. You need to go back and see if you can find the difference. There has to be something different. That's how you break it apart and understand. You do this on the essay and multiple-choice questions. So what is being tested here? Are you focusing on the duty or the causation? Once you isolate the area they are testing, say it's duty, what in duty are they testing. So it's invitee, what are they testing there? You are going to get your argument in the exam and do well. Here it's invitee, and I move on. The problem is now the examiners think you don't understand. But I do understand it. So break it apart.

The other thing I want you to work on, is outline your essays, if you don't break apart the essay and find the facts, you won't know what is being tested. You have to break it apart and dissect and see what they are really testing. There is only one tort in the last baby bar. The damages was the hard part. You had to hone in and see whats being tested. If you don't see elements being tested, you made a mistake. So go back and force yourself to look again.

The more we understand again how the concepts come up and how they test, that will breed your success.

Any questions on what we went through? What are we going to do now? Hopefully have a better understanding in regard to torts and how the concepts are tested. So then you want to start breaking apart with your checklist, and multistates, we need to work on those right now. Can't wait. The other thing, is know your issues, and start practicing your essays.

Last baby bar, somebody told me they spent two hours on the essay, you are sunk then. You want to work or your timing. At this point you kind of study torts, don't mean you know it all, but you want to review, we will send out a question probably tomorrow. And I want you to outline I it, and over the weekend, you want to write it. So send it to me, so I can see what we need to work on. You will also be sent some multiple-choice questions. So if you have questions on those, let me know.

Again if you keep working on the process, urban see yourself up. Your scores should go up. If not, we have a problem, and you have to notify me.

Send me an email if you have any questions. If you get stuck or you don't quite understand, or how to set it up, this is your chance, and is use it. Put it together so you have a better understanding. With any exams, once I start playing with it and mapping it out, even afterwards, I think, darn it, could have done it another way. So get practice, so you should have familiarity and that calms us down so we can handle the pressure.

Look for the essay questions and the multistates to be emailed out to you. And if anything comes up during the week, shoot me an email. And I look forward to seeing you next week. Good night.

{Session concluded 7:00 p.m.}