Baby Bar mini series.

Tort Baby Bar mini review lecture.

May 12th, 2020,

PROFESSOR: Good evening everybody and welcome to tonight's Baby Bar mini series. Focus is on torts. I have it up there for the screen for your convenience. I do want to point out that these sessions are recorded. You can do the Taft website. Sign up in the student session and go to Baby Bar mini series. Everything is recorded and handouts will be there for you. If you have questions, please them in the chat. I will be more than happy to help you.

So the primary focus on tonight's lecture is not just Black Letter Law. It's to give you an idea how tort comes up in examination so you understand how the concept is tested. In order to do well on the exam, you should have a checklist. It will help you number 1, stress. Pressure of the exam. Anxiety, you have something familiar to you and go back to rely on the checklist. And another is organization. A lot of students are sending and calling asking, how will I set this up. I keep going back to checklist. Negligence, duty U breach, causation, damages. That's your setup. Resi pos, that's subject of breach, that's in your dissection checklist. So know the concept and talk about them and articulate them. If you don't set it up properly, it can hurt you point value.

A student called, every applicable and do the defense. The problem with that, if you have multiple torts, like negligence, and strict liability for products and you have contributory compared to assumption of risk that you address at the end, well, in negligent, you could argument that. Strict liability. You can't. So now you put doubt in the examiner's mind do you understand that it doesn't apply here. And also by doing them at the end, strict liability last, does it also apply to the negligence phase so you left a question mark on the examiner's mind. And I want them that I understand the concept. So follow your checklist. And if you have to talk about the same issues twice, let the examiner know. Another purpose of your checklist is the run the facts through it. This will help you see issues. So you don't Lee things out. Joe did something and you are suing Transcop. Checklist, it's an entity that shouldn't be talk about with liability. The checklist will help you.

Another thing with the checklist is that you can use that in a multiple choice questions. And sense we are talking about taking the exam online, you are going to have the multiple choice questions on the computer screen. The problem is you can't mark it up. I will teach you the same way, read, call the question, and break it apart but do it in your mind, tools, checklist, will help you. So you don't leave issues out. That's important.

So checklist are very helpful.

Now whether you are doing multiple choice questions, essay questions, I want you to start with call of the question. And I say that this gives you direction. Where should I start, what do I mean?

What intentional tort Joe can be found liable for, this is intentional tort area of your checklist. I'm reading the fact pattern, I will look for that, because it narrows me down to that.

On the Baby Bar, you are not going to know if it's a tort, contract, or criminal law question. It does not have a head note there. It's your job to determine. What's going to help me to determine as to whether it's tort, criminal law? The call of questions. So Tommy suing Mary? That's the civil action. Or prosecution, going after defendant. That's criminal. So you are going to know in the call of question, that will give you direction. In your mindset give you the subject matter when you are thinking about it while reading the facts.

We are reading differently because we are doing it on the computer screen. So pay attention to my facts and make sure I break it apart. Am I seeing the intentional tort or battery. And break it apart.

Call of question. I would recommend, you write out your checklist. So you use it and help you go through the fact pattern. You will use that outline because you will mark the issues and break apart from the factors you are seeing. This is battery, and intent, you have to dissect it or you will leave things out.

In regards to negligence per se, if you do see that at issue, you will see in the order of my checklist, that's a special duty. When we get to negligent, I will point out to do how to do special duty if they are trigger, if trail, go to general duty. If I did see negligence, I will start there. Remember, negligent per se does what, proven, based on the fact establishes the duty of breach. Intentional tort look for the intent. A lot of students bring that up and it does not exist. Main thing to look, is there an argument for intent? Did you act with the actual intent. Substantial certainty. Desired result. Are you transferred intent. That tell us you generally, intentional tort at issue, because you have facts that substantiate the intent. What I want you to do with intentional tort, I want you to break it apart. When you go do Multistate questions, what did you say assault? It's intentional, creation of imminent offense, apprehension of harmful touching. And words alone are not actionable. How do they test this? In Multistate, you will see that imminency. If you don't know do what I say, I will hurt you tomorrow. So imminency is form. So plug in and look for that.

Battery, you have the intent, touching of another. How is this fact pattern? This is why we practice. People miss things. Like an example. If I go in an elevator and I'm smoking cigarette. And I blow it in your face, is that battery? Yes it is. My conduct is intention and offensive. So you don't need physical touching. That's how they test.

Or extension of one self. If I hit something in your hands or let's say you have your laptop and I smack it out of your hands, that could be equivalent of battery, extension of one self. And false imprisonment, you can have words alone sufficient. Be aware is how they will test were you aware of the confinement or damage by it?

So you can have false imprisonment and not aware you are imprisonment as long as you receive some type of damage. I was locked into my room. And I was asleep and fire I couldn't get out.

However, if someone accidentally deliberately locked you into a store because it closed for lunch and clerk decided to take the lunch and locked the door and for lunch. And come back realize what happened. You weren't aware or damage so there's no claim for false imprisonment. So that's the area they like to test. Awareness versus being damaged.

Trespass. In this area, we know our law. One thing there's no ‑‑ you don't have to know I'm on someone else's land. You can basically, lack of a better term, walk on someone's land accidentally, but you walk there with the desired result of walking there so that would support intent. So it doesn't mean I intentionally walk in your land but I intentionally walk in that area. You can be responsible for trespassing. The key thing to remember, on the Multistate, they will not tell you if it's a negligent or intentional trespass. And there's a difference. Intention, you have to have intent due to conduct. And you don't need damage. Versus negligent trespass, you must have some type of damages. So on Multistate, the guy is flying his friend to New Orleans and the engine plotting out. And he decide to land on farm ears land. That's intentional trespass. It's a safe landing. That farmer can sue for damages.

If they tell you the plane fell off the sky, that's a negligent trespass. And that farmer would have to show type of physical damage to his property in order to cover. So it's your job to determine, again, if it's intentional or negligent trespass.

Trespass to chattel. Substantial interference. Substantial. Not slight. Substantial. I will come back to that in a minute.

Assault, battery, false imprisonment, trespass to land, trespass to chattel. What that means, those five are the only five you can argue that transfer intent doctrine. You cannot argue transfer intent transfer for infliction of emotional distress. So or only works for those five I just give you. Transfer the intent. So how does transfer intent doctrine work. I can transfer from the intended victim, I want to hurt you but ended up someone else to the actual victim. I intend to scare you or assault, so I can transfer the actual battery or tort that did occur. That's how transfer intent doctrine does work.

Now, when you do see intentional tort fested on the examination, I want you to look for it. You have conversion and completely ‑‑ where we test is which way should I go? Trespass to chattel issue or conversion?

Essay, you do both. On MBE, you can't. Conversion, if you have substantial destruction. So I boring your car, and I'm in a major accident, that's trespass to chattels. That's conversion. If completely destruction or ‑‑ good period of time. So I bored it for six months. I can say that's substantial interference. The last intentional tort, what you are going to see is the term emotional distress. They are not going to tell you. It's your job to determine if it's intentional, infliction, emotional stress, or negligent infliction?

So there's a difference in regards to the element. Negligent you have a duty to care and you failed to act under reasonable circumstances, you act with an intent with the desired result.

To give you an example, remember, when you go through the facts, especially if the call ask for intentional torts, immaterial you to grab on as many as you can. Look to the call. What intentional torts can Mary be liable for. Two or more based on the call.

If I tell you Tommy was angry and, of course, angry at Peter. Driving to the store ‑‑ (*reading*) ‑‑ Tommy jumped out of the car and pushed Peter down and stood over him in the alley. Most of us see the term push. So a lot of you might think assault, and battery. What's the term, stood over him. Bifurcate, look at to see if there's another issue. It's a good argument, I'm not free to leave. I would argue false imprisonment. So look for multiple and break it apart. With intentional torts, you are going to go through the elements. Battery, intent. Harmful touching of another. Look for causation, and go to damages. That's your setup. On essay, I skip the approximate cause because of time. But facts at issue, I will break it apart. What are the facts? But you need to remember, there are some areas, shortcut, if you don't have to talk about causation, you don't need to. You need that for tort, especially for the Multistate. So you do want to pay attention. So when you see intentional tort being test, break it apart and see applicable defense and look for how many you can argue. So whenever they see that tested, people only see one or two and not seeing multiple.

The other area people get confused on Multistate intention tort versus criminal law. Battery. The elements are different. But how will you know? Tort question or criminal law question? Call of question for one. Plaintiff/defendant. It's a civil call versus state, prosecution versus defendant. So you are going to know. So pay attention to the call of the question.

Negligent is testable. It's one of the areas that's highly testable and so you want to be there. Always start with the first special duty first. You know this based on the facts. The question you have negligent per se, when you go through the elements, you might fail or gray area then you call back on the general duty. So have the category down and start there.

Student asking, violation of statute. Show the intent of legislature, and suffer some type of injury. ICI. Violation of statute. You need to go through those in examination, what's the intent of the legislature, class, and suffer the injury.

There's no parking, and I need to pick up my lunch to get back to work, so I parked at the hire high gent to run back to get my run and the car hits my car. And it's against me. What's the intent literature for the fire high generate. Did I offer the type of injury? Probably not. Because they are trying to prevent buildings from burning down. So it would fail in that case and I would fall back on my general duty. So you want to know the category. The omission to act. No duty unless you have a relationship. Or make some type of promise. Land or occupier, the category can change on you, so you can start off with invitee or licensee. So Disneyland, I'm an invitee. And a place employees only, I walk in anyway, I might be a trespasser. So status can change.

You have duty owes to lesser land. A year ago Baby Bar did. So landlord, intent, duty. Changes.

If not, go to general duty. You have reasonable prudent person standard. If you see Andrews and Cardozo tested, Andrew is the minority. You got to do both. When you look at the bar exam website, first year find this an issue. How do you know it's going to trigger. You have to know remote plaintiffs. So if you and I are in a car accident, we are not remote plaintiff. So that wouldn't trigger card zoo. So somebody not in the pieces, there's no connections. I didn't hit you directly. Someone outside that scope to trigger your Cardozo issue.

The child. Common carriers. So look at the facts and see what's being triggered.

Breach, res ipsa, there's no evidence as to how the peach got on the floor. But they have gotten smarter and they don't use that term anymore. How that comes up is you don't know how the breach occurred. So it's an issue you can't point the finger at somebody. It's a way to show circumstantial. So since you have control, we are going to show that ‑‑ point the finger at you. The prime example is operation. And if something left inside the patient, who did it? I don't know. You don't know. So that would raise res ipsa problem and whoever in that operating room can rebuttal and show it wasn't them. It's fairness for the patient especially something you have no way of knowing.

You are walking down the street and you get hit by a chair out of the room, who did it? You don't know, so you will try to use res ipsa.

Then you have your actual cause. What they like to test a lot in the essay is successive tortfeasor.

With this, if you can show your general but, get in and get out. Versus your actual cause with your success of tort fears.  ‑‑ tortfeasor. Play with it. Come and run me over again, I wouldn't have been injured. That would have been two independent negligent act come together. Concurrent, two independent act not negligent on their own. It's rare. So most likely you have successive tortfeasor.

Approximate cause, you have to know.

Learned hand, that can be tested. So bring up for your breach and do the balancing test. But you will know based on the facts. Last time, I recall, they told you air bag in a car and $5 to put kill switch knowing the bag could injure children. There's no way to hide it. And it doesn't come up as much as we think modify approximate cause. I want you to understand the setup. What does that mean?

If I leave here and run into a car, the person can be injured. So if it's a direct act, argue it's foreseeable. If you run into me, I will be injured. That means, update approximate cause issue.

If I leave here and I run into a car and ambulance called, pix up the person that I ran into and transporting to hospital and another car hit the ambulance and cause more substantial injury, how approximate cause. Because that other party hitting the ambulance is independent act of mind. So my act foreseeable injure but the subsequent injury, it's independent of my actions of first accident. Is it foreseeable and that's where your acts of God, animal, third party come to play. So ask yourself, direct, go to foreseeability. Versus indirect, like, again, the car running a red light. My pact had of the car ‑‑ impact of the car, was it me or independent of me. And the negligence of the third party foreseeable and wanton accountable. So ‑‑ would be accountable. If you break it apart, sounds like you know what you are talking about. You will do well.

And you have damages and always look for what? Defenses. General they come in pair. Two or more.

Notice I put CL, CA, contributory negligence is a negligence ‑‑ and last clear chance have a relationship. Contributory negligence if I 19 you fall below standard of claim, you barred from the claim. Plaintiff's argument, wait a minute defendant. You had a last clear chance to clear this, so pull contributory negligence, channels it. Only works for contributory negligence.

Animals. Strict liability. This comes up in Multistate. You want to be aware of and once in a while pops up on your essays. And they had one, I believe it was with goats. Domestic and triggered liability. And pick up s, do not ‑‑ puppies, do not enter, he enters, strict ‑‑ look for propensity. It's going to be something we all know. So a horse, cow, trespass. In regards to a dog, dog bite. Wolf, lion ‑‑ they will give you something propensity.

Abnormally dangerous activity. With that, you want to focus on is what? Do we have explosive, toxic waste, crop dusting. You got to look to that. Dealt with daycare center. Exterminator is dangerous activity. She had a day care, and youngest at 9 months ago old.  ‑‑ months old. So that would be abnormally dangerous activity. Causation damages and defenses.

With strict liability, you are showing liability regardless of fault. On Multistate, if you see examination I gave you exam of the day care and putting up with bee traps there. Well, that's negligence on what they did and didn't disclose and strict liability because abnormally dangerous activity. So both answers are correct. So what would be my better answer choice? It's strict liability. No need to establish the breach. Strict liability regardless based on the inherent dangerous activity.

Look for cross over, private nuisance. Could you have an exam with strict liability, negligence and nuance? Absolutely. So again, the facts. Why again I tell students, the more I can get you to exposure going over how issues come back and go back to the checklist. You will understand the concept of the test.

Versus, sometimes you read exam, you have doubt. You can't have any. Your need to understand how these concepts are tested so I stand strong during examination.

Product liability is good to know. Hierarchy, battery, negligence. Warranty and strict liability in tort. A couple of things.

Battery, you will know when you see it. You have to ‑‑ they have to give you facts. You had knowledge. The manufacturer was aware that they know it's going to lose your eyesight. Versus negligence, warranty or strict liability, you have to see defective product. So what I want you to be aware of is if you have a product liability question, what does that tell me? Call of the question says, what theories of liability. I read the facts and it's defunctive, drug spray. It has, a little boy got it and a can with flowers so he sprays it and gets sick. It looks friendly on the spray. That would trigger multiple theories and if the call says theory, I must address the theory of negligence, and applied warrant manufacture liability and liability with tort. If I start with negligence ‑‑ with product you have to show defect. Manufacturer warning or design. You want to analyze that defect, I do that under breachment will. You have a duty the reason discover warrant dangers. Breaching when you show the actual defect. And damages and defenses, right?

So what you will see on a Multistate is strict liability, it's your job if strict job as abnormally dangerous activity or liability. If the product is defective product versus the other is activity. I'm doing exploration using explosives or I'm exterminating something. Versus using something to exterminate that has a defect in it, the product itself. They have to tell you. It will base on facts. The term strict liability, are they strictly liable. And it's your job to determine what we are dealing with.

They have a nice Baby Bar exam with a why would a child and a banana and sprayed with toxins. And the question is was the store strictly liable? How many people talked about abnormally dangerous activity. Focus on the activity. It's a product, they didn't tell you.

So allowing that substance on the product, and not disclosing and child biting it, what warning defect. You can argue it's a design defect. That would be an issue of how it would come up with product. That could hurt you or missing in MBE.

Warranty. Implied. What I want you to understand if you see products and theories, you will always have implied manufacturability. So is the product use. Your job is to look there's express representation. If so, they have a tenancy to go today. How do I see this? Look at the call. Narrow it down to strict liability and negligence. If the call theory is generic go through the fact, do they make representation? It's not I tell you this product will do this, it could, generally it's hidden like the advertisement, magazine, product itself. Safe and wholesome in regards to the best skin scream ever. It's puffery versus expressed representation. So you have to see something represented on the product or endorsement to argue your express warrant. Generally you will not see selling says to buyer of the product, you will not see that.

With warranty, you still need causation damages and defenses. If I did negligence first, I will introduce super.

So when you have a stressed warrant, discuss express warranty. Look for your call. General call, you have negligence. Manufacturability, strict liability and tort. Focus on the call of the question.

Strict liability, negligence first, what can I do? Two sentences and define the super with cause citation damages and defenses.

The other thing if you are suing an endorser of the product, not sue for manufacturability. You sue under negligence as well as and/or misrepresentation or intentional depending on the facts. You can't sue an endorser.

Usually it's employer or employee. Look for that. Look at the Multistate if it's an independent contractor. Is it a non‑call duty. Let's say you get your ‑‑ fix your brake. Non‑indelible. You are going to be on the hook, they are the ones that cause the harm. There are certain things that are not indelible. Maintenance like elevator, escalators, they are ‑‑ shopping center, they are not going to let them off the hook. Independent contractor, it's a nondelegatable duty.

So again, understand how those are tested.

You have your nuance, public or private. With public, you have to have a harm different kind. So it can't be it's happening to the whole neighborhood or COVID, what's going on right now. I can't sue for public nuance. I can't argue that because I'm stuck.

Private nuance, you have to show something interfering.

Usually with newspaperians and tested is ‑‑ nuance is tested is non‑tangible object like smoke. Last time tested was siren. It was scarey the birds away.

Defamation. I will take a good look at it. It's an area that's right for testing. You do need a defamatory statement. Publish intentionally or negligently third party, libel or slander. Damages presumed. Slander fit slander per se.

Defamation, it's a scenario that students don't do well. They don't write it well. On the last bar that they published the questions to the results published. It's good to go to the bar website to look at. You want to break it apart. Is it false defamatory statement, was it published intentionally, was it negligent?

If it's negligent published, tell him he negligently published. I should have been aware that somebody else was around. That's negligent publication. It's defamatory. And damages and defenses. When you see this, I want you to look for is defenses. Listed qualified privileges, constitutional privileges and absolute privileges. Those break apart. We have husband and wife, good faith privileges.

Your absolute privileges, in court, judicial privilege, that's absolute. Pay attention to the rule. You are inside the court and not outside the court.

Constitutional privileges, that's the ‑‑ you have to show malice. You have to see what also? Immediate defendant. You are suing magazine or newspaper, something to that effect based on what they state in representation.

Now, when you see defamation, on the last bar, a lot of people don't pay attention. When you see that, you definitely have invasion of privacy. Defaming, you are projecting a false defamatory statement about me. False light in the public eye. They go together. If you see defamation and call is generic, talk about your false light in the public eye. How I treat your invasion of privacy, it's like an umbrella. You see that category being triggered and then you need to go into and say what? Can I talk about false light in the public eye, constitution upon seclusion ‑‑ you got to see which ones are at issue. When you do see defamation, it's false light in the public eye.

Intrusion upon seclusion is not as much.

Public disclosure of private facts, you have to tell you what? Disclose facts.

Appropriation of name or likeness. Students don't do well with this. Appropriation of name or likeness. If you look at it, it's basically appropriate someone who is name or likeness for commercial gain. Students have a hard time by definition. Let's say I take a picture of Arnold Schwartz figure and seller, what I had to be using his name or image to benefit my business. So I take that photograph and say, who comes to my establishment or get his clothes dry clean, whatever it is, trying to make money off his image or name. So merely taking a photo is not appropriation of in my or likeness. But trying to benefit from it.

Another way, someone's voice that's distinguished. So if they are using that voice, to advertise something a car, that movie star's voice, can argue, you are appropriation of my likings because people think it's me when it's not. So something you would argue and see what to recover. That's benefiting from your commercial gain, benefiting for your business, making money. If you see defamation, you did see false light in the public eye.

Another cross over is if you see defamation that intentionally, what are the torts could be there. You defame me on purpose. What can I argue? How about, intentional infliction of emotional stress? Yes. If I'm defaming you trying to make you close your business, so I say bad things about your business, is that intentional, yes. Outrageous conduct? Yes. So you can see defamation, false light, and infliction of emotional stress.

What he intentional torts? We have those on our checklist, can defamation be intention that will tort? Absolutely ‑‑ intentional tort? Absolutely. You can see in the facts when he made the representation, one of the employees was an alcoholic and a lush, and not true, based on the representation that raised defamation. Defamation can be done intentionally and that would fall in that category as well. So I want to make sure that you are aware of that.

Defamation, look for invasion of privacy. Intentional, look for intentionally emotional torts. And if it's intentionally? I will argue defamation. So I can get to defamation.

Another category is business torts, interfere with contracts and interfere with prospective advantage. So in essence, your UPS service, and here comes FedEx, I can give you better rate. I know your business with UPS and I want to get that contract, that's interference with contract.

Prospective advantage. I know something in the works, and I address it to get advantage over it.

Improper litigation. Not seen that on the Baby Bar. So won't worry about it.

The last one is misrepresentation. That could be on it. With misrepresentation, this is something they are going to use misrepresentation. It's your job to determine if it's intentional or negligent. Remember, intentional misrepresentation is what? Fraud versus negligent, it's negligent.

Misrepresentation, it's your job to take a step back and see if it's done intentionally or negligent. Where does that hurt me? Multistate. That's the problem.

Negligence with the actual nuance, not off the top of the memory, so you could see negligence, strict liability as well as nuance.

Last one, it's been a while ago, they tested on the Baby Bar, the name is bar bra, and Barbara and she grilled steaks and the bar queue is barbecue is over the fence. And neighbor told her to stop. And she continues every weekend. It's a trigger. Negligence, prudent neighbor. That can be an example to see how those two come up. If you want to shoot me an e‑mail, I can look for specific example so you have a better understanding.

Template, how the issue come up. When I hear the template, this is how you structure and see it. Key thing there is how you see it or write it would be through your checklist.

Dissecting it.

In regards to the issues that you should be aware of, you can have intentional torts, intentional torts in negative cause of action? Yes. Look to the facts. How am I going to know that? The call.

Let's call theory instead of intentional torts. How do I know when I have to talk about the negligent? If the intent is arguable. Gray areas. That's what you look for. She was frustrated and she sees the scaffolding and she is afraid to hit it. There's an argument for battery. It's a gray area. You ago that and fall back on negligence. So I stress, not only do we teach look for this and if you see this, look for that issue. And when I ask you something, know ‑‑ you could have intentional torts and negligence but what's going to tell me? Look for the intent. It could be gray area. Those three have a relationship. But will they always exist? Not necessarily.

So again, what's going to dictate to me? It's going to base on the facts.

There's one out there, remedy exam, bar question, where they lease property to extract the minerals, profit. And they build a plant and doing things and smoke kept going on his side of the property when they are digging up the minerals. By the smoke, that's nuance. Minerals exploration, that's strict liability. Is that abnormally dangerous activity, false back ‑‑ falls back to negligence. Three addressed except applicable recommending.

The ‑‑ remedy.

The other is product. When you see products, pay attention to what? Calm of the question. But you always will have negligence, calls generic, applied merchant liability. And tort.

Let's say it's Ralphs. And I buy milk and it's contaminated. So I would sue for negligence. They have a duty to discover correct. So are they going to be accountable under negligence? No. Why? It's doctrine. How is grocery store supposed to know it's contaminated. It has to give me facts that there was a recall, they knew and didn't bring up.

They still would be responsible and merchant liability, there's no way of getting out and they can seek re indemnification through manufacturer. And in product liability you will see re indemnity manufacture ‑‑ I want to hold them accountable and go that direction. That's another way how we test the product.

The other thing with product, look to the number of parties. I have three lawsuits. That's loot. And product liabilities. You have to know shortcut. I mean by that is I do a strong product on first one and call number 2 and call number 3 and look for the difference and get that out there.

So if you see 3 different parties, super product, liability. It can't be verdict the same.  ‑‑ verbatim. I can show you product exam.

Plug in back to your checklist. How do you see the concept tested.

With products or negligence, how many different ways they can test me? You need to do that. That's why you do five or more product exams. You see the difference. Or defamation, with that, there are good ones out there.

Straight ones are straightforward but why is this exam different? It's the call. And sometimes a lot of us look for the call at the end. And sometimes they put in the middle fact pattern and they tell you that he is sued for defamation, that he had a defense and there was damage. Oh, it took me defamation out of order. So I have to show the defamation, then I go to any applicable defenses and come back and talk about the defenses that's the call of question. And that's in the middle of the exam. The end says is there any liability. And go back to the actual facts. So that dictates. That's an exam I plug back in when I study defamation. So I see the contrast why talk about this one and setting up this way versus the other. Make sense?

And I'm harping on it and students asked about it saying well, I don't understand. To me it seems simple. But I guess people didn't understand. You have to look at the inner and break that apart.

That's going to give you the point value point value. We might see negligence. What been negligence is being tested. Duty? What duty. Negligent per se is tested? That's how far now need to dissect. And that means what? MBE, I'm going to do well and get the best answer. And versus essay, I'm going to talk about what they want me to. Fiduciary of fact.

Circle the fact pattern and mark it up. Do it mental health ly and ‑‑ mentally and use that scratch paper. People have disability where they can't write. So they dictate, they have a person dictate or dragon speed or I get them to scribble on the ‑‑ writing out the checklist and pulling the issues and a couple of key facts. That will help you immensely. I want to make sure that I'm dissecting enough to see the issues. And we do read differently reading from paper versus computer monitor. You have to ‑‑ read it twice and dissect it.

Multistate, contracts are going to be lengthy. Break the facts and make sure you run through the elements before you say, battery. Wait, was there intent? Was there a harmful offensive touching, was of another. Is it defense, self‑ or defense of over, et cetera. So doesn't take it over first question. They will trick us that way.

Any questions in regards to torts in and of itself? Hopefully again, you studied again and you do have a checklist. If not, get one. You want to use your tools. As you start using these now, it will help you implement them on exam date.

At this point, what I recommend? I hope you have a study schedule. If not, I would put one together now. You want to be realistic no in your study ‑‑ realistic in your study and accountability. When you are studying this stuff, depression or not doing stuff ‑‑ if you write down, 2 hours I'm doing this and breaking it apart, you know you are doing something.

Another thing I would recommend, let's say studying torts, break it apart by the checklist.

Let's say you have done intentional torts and negligence. And now you are studying defamation. Multistate and intentional tort by itself and then do negligence. You should have defense book, good book, index. What you want to do is diagnose. You want to see your weak areas. Am I having in intentional torts? Negligence? And what within negligence? We have to pinpoint that. You work on your weaknesses, not your strength. With checklist, work on your weakness. That doesn't mean you ignore everything else. You still do torts, but I want to focus on the weak areas. If you can, there's a course called Taft Baby Bar course you do online. I would recommend. It compares you with everybody else. You are compared to bar candidates. Since you are compared to national and Baby Bar is not given nationally but it gives you an idea and pinpoint your weakness and tell you what you need to work on and you will get used to doing it on the computer which is important. More repetition. More you can simulate what you are going to do. Write out your checklist and use your tools. That's going to help you.

We quickly went over torts. You will receive essay with questions. I recommend issue spot it and write it. I would write it in ER and stop where I stopped in an hour so you have an indication where you are at.

In regards to any update on the Baby Bar, no. I was hoping to have something by Monday. We haven't heard anything. Bar hasn't posted anything on their site either. If not hearing something by the end of the week, we will start bugging them to get an idea. We need to know how it's going to be online, who is going to administer ‑‑ are you going to have scratch paper, et cetera. We all have a lot of questions. And these have to be addressed so we can help you as well. If you do hear anything, let us know. We want to focus on how is the test going to be administered and the rules and how to use the tools. Once we know, you will get an e‑mail. If you know before us, let us know. Sometimes the bar forgets about the rest of us.

You will be sent out an essay question. If something comes up in your preparation, shoot me an e‑mail. If you want essay questions, I have cluster of defamation of intentional tort exam and product exam. The more issue spotting and go back and look, that's going to help you. Because not everything is mirrored the same. Sometimes the call dictates. They narrow you down.

Is a ‑‑ a student asked, why you didn't bring the burglary? Generally I would but they charge with larceny and murder. That one was felony murder rule. You have to ‑‑ you would use it under the felony murder rule. Again, that's how we learn. As long as we are learning and taking away from it. If you get wrong, plug it back into the essay, why didn't I see that? You need to answer the whys. If not, you will make the same mistake. And we don't want to do that. So that's important. Shoot me an e‑mail if anything comes up. I'm happy to help you. If I get overwhelmed, I'll let you know. And comment. Free feedback. Take it. I recommend you do. Get me by Monday. It's something that will be sent out on Friday. Pinpoint on there. See where you are at. If it takes longer, tell me where. I can tell you shortcut. So at least you have an idea. Our goal is to help you pass this examination. And if you don't, obviously doing the work and getting feedback, it makes it more difficult for you. So any questions, shoot me a e‑mail. I will be happy to help. Look for that essay question and I hope to see you guys next week. Have a good night.

(Review adjourned).

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