CLASS: BABY BAR

LOCATION: REMOTE

04/06/2021

6:00 PM – 7:00 PM

R. Farrell

>> PROFESSOR: Good evening everybody and welcome to tonight’s mini‑bar series I want to point out the lectures are recorded and if you want to go back and listen to a lecture you can go to Taft web site and go to baby bar series and if there are questions sent out. Essay or multiple choice those will be posted for jour convenience as well.

The main purpose in regards to the lecture is to give an idea how to attack multiple choice questions as most of you are aware the baby bar coming up will be done online looks like the July bar is conducted online that tends to be the way the bar is leaning towards is conducting examinations online. That means we have to get used to taking exams on the computer. That means multiple choice questions it is a little more difficult to see on the computer screen and break things apart. Obviously because I call it mental math. You are doing everything in the mind. You are not dissecting and writing things out in the column. What have you? Why? Because it is on the computer. It makes it a little more difficult for you to attack multiple choice questions.

That being said I recommend that you do get ahold of the multiple-choice questions and have them on the computer and look at them and do them since that is what you are basically going to be doing for the exam. My theory is mock what you are doing. Necessary sense if the exam is going to be taken in person. You need a hard piece of paper that is what I will emulate verse online I will emulate that. You want to be prepared and had get comfortable with how the exam is taken.

When you take online and how it is administrated you will have 100 questions in the afternoon. It is broken apart in lots of 50. You will have 50 questions with a 90‑minute period. Take a break and come back and you will have another 50 within the 90 minutes as well. And broken apart in two sets for you. To me it is a little beneficial. You get a break to stretch. Splash water on your face and do whatever you have to do so you can attack the last half of the multiple-choice questions which is good.

Absolutely so when you get the four essays in the morning you will be mentally exhausted. This is something I tell students. Do simulations. It is a long hard day to sit there. I would say eight hours but you are there more than that now because of the breaks. Have your thinking cap on. A lot of times I go home exhausted. My mind had to work for 9 to 10 hours. It does exhaust you. You need to get used to that.

For those of you who are new if you have a question post in the chat. That is the one I can see verses flipping back and forth pages in regards to the question-and-answer column.

What subjects are covered on the multiple-choice questions? You are responsible for torts. Contracts. UCC. And criminal law. One thing I want to make sure you understand. Remember when you are taking a multiple-choice question you must answer according to common law. Unless asked otherwise. So, I want you to make sure that you pay attention to that. A lot of times they will trick you and you are thinking modern law but you need to answer according to common law.

Now torts. The nice thing about torts it is directed toward the elements of the black letter law and you will hear me say consistently use the checklist. If you are under negligence what elements do I need the o show? Duty, breach. Kau sags. Damages. If you force yourself to say what within negligence is being tested. What within the duty ss being tested as to whether or not it is reasonable you will find the best answer choice and that is something that is a skill and takes time? The more you practice the more you start plugging back in you get a be better understand. Contracts is a different beast. It is more demanding on the reading comprehension. You will find these are relatively long.

Lu gets frustrated because you can't do in a minute and a half or two minutes that is okay you will make it up in torts and contracts and you need to break apart and go through it. What I found works for me now when I am doing on the computer. You are able highlight. I highlight valid written contract. So, I know there is no formation issues. I look at defenses and go down the checklist from there. I got to hone in to what is being tested and not falter. Obviously, what is the best argument. Statute of frauds or no contract formed. T the no contract formed is a better answer I have to make sure I am not making assumptions and I have to look at that and break it apart which I have to do based upon the mental mind.

And then getting back to criminal law. That again is focused on the black letter law. You are focusing on the almost and breaking it apart.

The two things that I can tell you with torts and criminal law we have a tendency not to carry all of the way through. If you see an intentional tort tested don't forget there is defenses. If you see a crime tested look to see if there are applicable defenses. For some reason we stop short and you want to carry all of the way through and that will again give you the best answer choice. That is important.

Now the multiple-choice questions you will find there is four answer choices which I am sure you are aware of. Remember they are all worth the same point value. They are converted on a 400-point scale. That means I need to answer every question. Do not leave anything blank. When you see you have a minute left and you have ten left to go. You mark them. Just mark them. You got a better chance, right? To get it right verses if you don't mark it at all.

Multistate questions are comprised of three parts you have the fact pat herb. And call to question. And options which are answer choices. And sometimes when you read you will see someone call the options. And you are like wait a minute answer choice and you are like it is the fact pattern we are dealing with so you have a better understanding.

The key thing with multiple choice questions is you have to read the facts carefully when you do an essay verse a multiple-choice question, they are the same only thing different there is four answer choices. That means you have got to use your analytical skills. You have got to carry all of the way through to see if that tort or contract was formed. Whatever the issue may be.

So, you are still doing the same analysis. But it is in your mind to come with the correct answer choice. So that is important. You have got to read the fact pattern in detail. And the examiners know, especially under time exam we feel the pressure. We are panicked and worried about not finishing on time. They know that. That is the way they test they do.

The facts determine as to what is at issue and you got to pay attention to the details that is important. The other thing you will see in multiple choice questions which you generally don’t see necessary says is facts that are not relevant. You will have something to try and throw you off of the track and it is not relevant to the problem. Basically, dismissing your mind set and going forward.

How to read a multiple-choice question. The one thing I want you to do is start with the call question with stem. Why remember on the examination you have 33 in torts. 33 in contracts and 33 in criminal law and one floater. They are mixed and had they are not going to give you all contracts in one sitting and let's go to torts etc. They are mixed. So, when you read the call to question this should give an idea of subject matter that is important because your mind set can go to the subject matter when you are reading the facts. It is very important to make sure that you answer the call to question. We have a tendency to read it. But we have ignored it and you have got to look at what the call is asking you. That is so important. The call to question is narrow down what is tested one once you read the call you read the facts and mark up the facts pattern and use the highlighting technique in regards to marking up the actual facts. Again, once you pick the answer choice go back and make sure you answer that call. Sometime what is the best argument for the preventive to prevail and we are seeing based on these facts it shouldn't prevail and you pick the wrong answer choice but even if there is one that is weak that answers the call to the question. I have to make sure I am paying attentions to the call. Very important.

A couple of key things do not assume facts. That is a big no. If you assume facts you are going to make the problem harder than it is. Keep simple. Also, you want to look for triggering fact ls. A key thing for an example. If you see a statute on an exam. For some reason we ignore that. We can't ignore that. What you want to do is look to the elements and show what I need to prove to the existence of the statute. If I don't obviously, I am going to choose the wrong answer choice. Look for triggering facts when you are reading the exam.

Another thing is if you see a question that is specific. What is a specific question? Is he guilty of assault? What is the best defense? Sometimes we have to rewrite the call. So, if I ask you in regards to what is his best defense? Oh, I don't know. Rewrite it and based on what facts what supports that the defendant is not guilty. Or based on the facts what supports there is no liability. You have to take and turn around what you really understand what the call is asking you. Because if I don't answer it is call, I can't possibly get the answer choice correct.

Which claim will succeed. What is the om claim that will succeed? That means you want to make sure that you run the issue through the facts and make sure each and every element of that particular issue is supported based on the facts that is. That is very important to break apart.

Let's look in regards to the first example I have here is example number one. Now again go to the call of the question. If Pete is charged with assault he will be found ‑‑ now first thing you should ask yourself. Pete is being charged with an assault. Is this criminal or is this tort and you should know that based on this call. Charges terms were used for criminal law. I know it is a criminal law question if I have doubt and glance at the answer choices you know you are in criminal law. You want to make sure that is your mind set. Because definitions are a little different for assault and battery. The mens rea is different. The question states in the state of X and an assault are defined as an attempt to commit a battery as Pete was walking down main street, he dropped the cell phone as he went to pick up the phone the process of dropping to the ‑‑ Mary thought Pete was being fresh and pushed Pete away if Pete is charged with assault he will be found.

Now, first question I am going to ask you what is the mens rea. The mens rea is the mental state. Have you to show in the crime mens rea and actus reus. What is the mens rea? And you go back and look at the statute it is specific in sense. Generally, assault is general intent. Battery is general intent. But they gave awe definition based on the statute is defined as an attempt to commit battery. That changed everything. Remember with intent you need to show specific intent. Substantial ‑‑ apparent‑ability. Looking at the answer choices will he be found guilty or not. If you go back and look at the facts, he dropped his phone. She is jobbing by and he hit her in the butt. This is a whoop. Negligent. It wasn't specific intent. So, he will be found not guilty.

So, which I will go through in a few minutes how to eliminate options A and B. Since it says A guilty because he caused apprehension. There are no facts. Guilty because he should be aware of others around him. That is tort language. C says not guilty because he had no intent to touch Mary and D says not guilty because he did not intend to touch Mary. Wow C and D sound good. They are very close to each other. Which is the better answer choice? And the best answer choice is going to be what? Well look at the language. C in intent. It goes to the mens rea. Even though D is correct it is not the best answer choice because it doesn't go to the element, they are testing here in regards to the statute for the crime. This is how they test.

Agreed not particularly favorable but we have to be aware and obviously learn how to prepare and prepare and obviously doing well on the examination. C is the best answer. Remember there is two correct but one is better than the other. So, you have to do it by the process of elimination.

Now the other thing before I jump on is in regards ho to the question. You have in regards to what we call modifiers. And you see basically modifiers we have because and since. And what does that mean? Anything after the word because or since has to be a statement of fact.

So, if you can find that it is guilty or not guilty right off of reading the answer. The call to question after you read the fact pattern. Eliminate you should be able to eliminate two.

The other trick in this question is attempt. How is attempt test and had we will go over again in criminal law. I have to get you thinking. With intent it is specific intend. And remember the elements that I gave you. Specific intent. Substantial step. Apparent ability. Reparation verses preparation. What people don't understand you have to look to the underlying crime to see if I have the apparent‑ability to do it.  ‑‑ you didn't have the ability to do it. There is no attempt. You want to pay attention on the multiple-choice questions.

Now let's look at modifiers as to if and unless. These are (Indistinct). If you see a question using it as a modifier that means everything after the if has to be true and the reason, we like these questions because we change the facts on you. You read the scenario and like no liability here and they change it. Like in regards to him dropping the phone. I can change the answer choice and put guilty if he had the specific intent to hit her in the butt. You have to be careful with the modifiers using if. Remember everything after the if must be true. If I change the facts on you that change the hypothetical that that one made this a better answer choice. That is the best answer.

As for choosing unless. This modifier students have a hard time with. What you do is rewrite it. So, you have an unless as a modifier if it says no unless cross it off and put yes if. Because you know everything after the if has to be true. If it is less unless. Cross it off and put no if. And again, you know everything after the if must be true. Right? So, that is again a little trick that we can use in order to get the best answer as well as what? Work on our timing. Because everything again, comes down to timing. You get fearful of running out of that time.

Now, in practice you are a little slow that is okay. Work on your timing when it closer to the end of May or June. For right now you want to master how you are going to attack and break apart the multiple-choice questions. That is important so you don't want to be in such a hurry.

Let's look at example number two. Again, the first thing you are going to go to is the call to question. Misrepresentation against tammy will Sam prevail. What is misrepresentation is this a tort or a crime. How do I know? What did the call tell me? This is a claim against tammy. We know it is a sort. It is a civil action. Misrepresentation is another term they are going to throw your way and it is your job to determine if the misrepresentation was done intentionally or negligently. The elements are the same except one you do for intent and one you should have known or for the representation. The elements are the same.

Let's look at the facts. We see the call. Tammy is a chemical engineer no interest or connection with Chemco. Tammy noticed that Chemco's most recent publicly issued financial statement listed as part of the assets a large inventory of a special chemical compound the as set was lied as a cost of $100,000 but Tammy knew that the ingredients of the compound were in short supply and that the current market value was 1 million. Chemco's stock is currently selling for $5 however if the true value to have the chemical was known ‑‑ Sam asserts a claim based on misrepresentation against tam my will Sam prevail.

Again, you want to break apart the elements on the misrepresentation. We need to show a false misrepresentation of material fact made intentionally or knowingly or you should have known. Well, it was material when relied to the detriment. Those are the elements in misrepresentation.

And looking first can I get any answer choices and you see answer choice A says yes because. Everything after because has to be a conclusion. B says F. That means everything after the F has to be true. C says no unless. I am going to change that answer choice to yes if. Okay so far, I have all yes don't I. And D says no if. So again, everything after the if has to be true.

So, do I find she is liable. I say no. But I got the if's that means they can change the facts on me. The only answer I am leaning towards that I can get rid of is A because it is cut to conclusion. Yes because. Right? The others obviously changing the answers based on the facts. A says yes because it is the modifier. And Tammy knew of the inventory. Even though she knew the true value of the inventory. What is missing?

Again, did she make any representation? She didn't. Remember with a misrepresentation you have to represent something. If we look at B yes, if. Remember if is a modifier and everything after the if must be true. Yes, if Tammy did not inform Sam of the true value of the inventory again, she has the to make misrepresentation. The only time you might have an omission ‑‑ right? If you have a duty to not make a misrepresentation or you emit. If you have a relationship. She has no relationship she is a chemical engineer who told you there is no connection with Chemco. So, I know B is incorrect and C has the no unless and again we are going to rewrite this to yes if. Remember everything after the if has to be true. Yes, if for C Tammy told Sam that the stock was not worth more than $6 a share.

Wait a minute. If she told Sam that changes everything. That means she made a misrepresentation because she knew. That the stock would be selling for $30. They told you the true value. They told you basically she knew about the chemical. C is a good answer choice. D says no if, and again, everything after the if is going to be true. If Chemco financial statement was available to Sam. Only way that will work is if you read it to show what? He couldn't rely ton representation. The best answer choice is going to be C.

So, again, the key thing is look to the modifiers if they are if everything after the if has to be true if they are because and since they are conclusion and get rid of if you can and the unless you have to rewrite. You see how I went through the elements here? Even though we knew the tort was misrepresentation we had to see what element within the misrepresentation being tested which the element based upon these facts were what? Did you make a representation?

The key thing is not only do you need to determine the issue which they told you in the call of the question itself. You need the determine the issue within the issue. What element within an issue are they actually testing that is very important and if we don't take time to do that, we obviously get the second-best answer choice and that is where the frustration comes in.

Let's look at another example. Example number three. You want to go to the call of the question. In an action for false imprisonment against (Indistinct) and (Indistinct) Tillie will most likely ‑‑ this is what a tort. What is nice on the call I know what is false imprisonment. Remember it exists in tort as well as criminal law. That is why they test these and they think we might forget and answer according to criminal law. You can't do that you have to pay attention to call of question. Let's read the facts ‑‑ (reading example 3) ‑‑ look at your answer choices. Will she be able the to recover or not? You can see the modifier being used here is the since. Remember everything after the since is a conclusion I should be able to eliminate will she be able to recover or not. Well again you have to look to the elements of false imprisonment. It is the intentional, physical or psychological confinement of another. Are all of these elements met?

The first thing you want to look to yourself was there intent? Well, if we go back this is try to go trick us. If you go back and look, they want today lure her back to the groups movement and did not want her in the parents’ home. There is no intent. There is a psychological confinement. He is aware of the paranoid schizophrenic and now she is afraid to leave the house. It is imprisonment of the other and all of the other elements are met but the intent. So, look at she is not going to recover. Why? Because there is a lack of intent. So, I can't eliminate options A and B and I will have to read them. Again, take the time instead of reading the options nail down as to what is being tested and then get down, I know it has to be C or D.

C says did not recover defendants did not intend for her to be confined in her home. It says intend ‑‑ and D not recover since Tillie was under no constraint to remain in her house. We know it is testing the intend and C has to be the correct answer. Since they didn't intend ‑‑ that shows lack of intent. We know C is the best answer choice.

In this case if you pick recover. B. A lot of people pick B. She is psychological confine pd. Why is B wrong and C correct? You have to go back and answer the why. That is what they are trying the o do is trick you they gave you psychological confinement. They laid it out based on the fact we have to show every element that we are addressing and support with the facts otherwise if it is not there, we are choosing the wrong answer choice. Do we have a good handle on how to eliminate? Because of the since everything after is conclusion. If it is a yes or no and I know it is a yes and we have the because or since as conclusion and get rid of everything I can eliminate without reading and go to the two I have to.

And we understand the yes and rewrite and everything after the if has to be true. We change the facts as true. We see C is the best answer choice for the option of example three that we did.

Now let's try some questions on our own. All right so the first thing you are going to do is look to the call of the question. May Thomas bring a lawsuit now. You are going to see this particular issue on the baby bar they like the o test because students don't understand it ‑‑ (reading question one) ‑‑ now we know it is November and he is supposed today play on #234u year’s eve and on the 29th he says not going to be there. Do I have brought the lawsuit now or wait until after new years. The is executory breaches is what I call it. I know if may he bring the lawsuit now, he can. Let's look at the. A says no. B says no since. Don't have to read that. I narrowed down to R and D. C says yes because Mozart repudiated the contract that sounds good and K says yes. And C is the best choice. The key thing to remember is remember the contract must be in executory stages. That is where they get you. Executory stages are simplistic that means one started performance or one started proper performance. If I perform my portion of the contract it is not executory anymore. If both of us it is not executory anymore. That means neither started or one of us partially started and it would still be executory stages and I guarantee out of the hundred you will have at least one on the question. Good thing is we have to learn 99 more and we are off and running with a good multistate score.

Everybody understand for question number one why C is the best answer choice? You get it if you break these apart these are not bad and it does take time and it is a skill have you to learn and you break it apart. After you get it, they get kind of fun. All right let's look at question two ‑‑ let's look at the call.

The most serious crime can be convicted of is ‑‑ let's look at the call. We know about it. It is criminal. Convicted. So, when you see the term convicted that means each and every element must be satisfied. Right? In order to obviously pick that as an answer choice and I want to make sure you understand that. I will come back in a minute.

Bif goes to Jackson's house at 3:30 p.m. intending to break in and take Jackson's TV. When he arrives, he finds it is door wide open and no one home. He walks ins and takes the TV the most serious crime that biff could be convicted of is ‑‑ we know with robbery there is no force or fear. He doesn't have permission we can get rid of B and D. That lends me to larceny and burglary. With larceny you need to trust you are taking. The door is open. Personal property of another we know it is Jackson's. Did he have specific intent. They told you he was intending to. Looks like larceny is there. Let's look at C in regards to burglary. Was it nighttime? No 3:30? And was there a break in? The door was open. So those two elements have failed I know the most serious crime he can be convicted of is larceny. Right?

So, again, the moral of this story shall I say is that you went through the elements to see what is support. Now let's change things and see if your answer would change. What is the most serious crime that Bif could be charged with? Would your answer change? Absolutely and I would pick C burglary. Right? Because burglary is a felony ask larceny is not. So, the answer would change. They didn't say convicted it said charged. That is where your call dick takes into accounts and have you to pay attention to that. A lot of a lot of times they will do with multiple crimes. You have to pay attention.

So, a charge means there is enough elements there to bring a charge against and you in real life this is what they do to you. They are going to throw the book at you if you are criminal. The prosecution will charge you with every charge can you get. Knowing they can probably not convict you on all of them. Say it was a robbery. I can charge with larceny and robbery. I can't convict for both but I can charge for both. And a lot of times too we charge in case the jury doesn't buy one argument we can fall back on the other. That is why we do what we do on the multi‑states.

The other thing is that we forget to apply our principles and a key line a lot of times they do that with is solicitation. This says what is the most serious crime can be convict and had you see solicitation took place first. Remember that merges and they like to test the merges rule. Solicitation merges attempt merges. Conviction verses charged. Again, charge I could have an attempt as well as ‑‑ well if I merged ‑‑ I could have a strength load of crimes to choose from that is what is important. And again, that is why they say we don't do well. We don't pay attention to the call of the question and we need to. You see how it can change. One word can mess me up and this would be very frustrating rightfully so.

Let's look at question number three. And again, going to call it says charges with arson under most modern statutes ‑‑ what does this tell me? Remember I told you earlier you are responsible to common law. Verses this particular call said modern. So, they changed things. Again, they have to tell you and can't hide it ‑‑ (reading question three) ‑‑ what you need to show for arson. What is the mens rea? Maliciousness, right? Structure. Right? Not dwelling house of another. Any structure. But the mens rea. If you look at the actual facts. He wasn't smart but he didn't have what? (Indistinct). Would he be convicted or acquitted? Let's look at the answer choice. They have conclusion of because. Can I eliminate an option? Oh yeah. Convicted because I feel that there is no mens rea here based upon what? Malicious. I have to read option B, C, D.

B says acquitted because he did not burn down a dwelling. What is the problem with that? Let's say I think that is true. Dwelling is (Indistinct). C is acquitted because the garage was his own property. Well, that is true if we are dealing with common law. D is acquitting because he did not intend to start the fire or manifest extreme disregard for damage. D is the correct answer. It negates the mens rea which is at issue here. Let's be more creative.

Let's say it says arson period. We have to answer this to common law. Answer B, C and D are all correct. Right? Remember common law you cannot have arson with the dwelling of yourself. Has to be another. Garage was his own property. Shows you can't burn down your own property. And no mens rea. Because no maliciousness. All three are correct. Bad question. How do I know which is the best answer? What do I do? You are going to look to the crime and of course maliciousness the mens reas is the strongest element out of anything if I can negate the mens rea that is best answer choice the answer to question will not change in common law it is D.

If you can't the el. I tell people the go back to elements and see which one they are testing if you can't tell it is usually intent or the mens rea. Start there if the mens rea is supported take your heart or your terms and back it up. We can go back and get the correct answer that is important. In regards to this particular question what do we know? Modern law. Again, if it is common law the answer choice is going to be the same. The other thing I want you to remember with arson what do they like the o test? The men mens rea is a common area to test. They tell you weird things. Stupidity. But there is no maliciousness and have you to pay attention that. There is one out there they are burglarizing and knock over a lantern and get scare and had run out and burn down the house. You have to pay attention to the facts that would dictate. Otherwise, you burnt it down to ground and had you are guilty and that is not how it works arson is a common issue that is tested on the multiple-choice questions. Again, for question three everybody sees why D is the best answer choice. Now let's look at question number four.

Is the man guilty of murder? Wow. Murder. What I want you to know about murder. Murder comes up a lot on the baby bar and on the multiple-choice question. What I want you to understand you have a murder approach. Use it. You want to start with murder. Some of you start off with homicide and kau sags in murder. That is fine. I don't like to talk about kau sags unless it is an issue, I like to start off with murder malice. What I want you to do look at the murder malice ‑‑ you have to look to these and see if they are supported with the facts, we don't want to look at generic murder and break apart. Why? Let's go through the pattern first and I will come back the o the why ‑‑ a man went in to a high school and took an unattended backpack. Sounds like larceny. As he was slowly driving his car out of the school parking lot he accidentally hit and killed a student who ran out from behind a parked car. Let's look at the malice did he have the intent to kill. No. Cause great bodily harm. Accidentally. Want and reckless. Felony murder rule. He commits a larceny. For the felony murder role to be triggered I don't know what you have ‑‑ has to be inherently dangerous felony. Right?

So, will he be guilty of murder and look at the answer choices they all have the conclusion of because. Can I eliminate? Yes, I can. C and D are out of the window and will have to look to options A and B. A says no because the man did not intend to hit the student. Sounds weak to me. What do I know they are testing here? The mens rea only thing I got to if (Indistinct) reckless. Did not intent does not support that one and felony murder rule. B says no because larceny of a back PAC is not ‑‑ I know that is the best answer choice and B is the best answer. For some reason the baby bar examiners like these questions and it comes up on the multistate essay question.

Burglary, arson, rape, robbery, kidnapping mayhem sexual asodomy if you carry through. Usually, you don't see mayhem or sexual asodomy. I wouldn't worry about it.

Now, in regards to looking at murder I want you to look at the mouse. The key thing they have been testing and I want to be aware of is the felony murder rule and we will go over in crimes as well. You have two ways of felony murder role come up are the red line rule but let's focus on the general tonight. With the general felony what they are testing you need to be aware of with is with the felony is it inherently dangerous. In most cases it is. Be you is it collateral to the crime. There is a baby bar question similar to this. Where a guy robbed a bank and was driving slowly in order to not be detected as the bank robber and then a kid ran out and he ran him over T. question it was he in the gist of the robbery. Since he is driving slowly and police don't know who he is. He really was at a point of safety and they are playing with you and have you to argue can I use the robbery and point out he is or is not in a place of safety. He is in the rest jes tie and argue it is a grey area. They couldn't do on the multi‑states they could be more specific. It is a grey area and you will argue and continue. The fact pattern I know since it is a grey area. I will address the issue of involuntary manslaughter.

Another thing to point out. When you see this on an essay. Argues many ways to show malice standards as you can. If your intent to kill. Cause great bodily harm. You are going to want to. The reason it is important T. stronger the malice is that tells me I will never ever get to the issue of involuntary manslaughter and you want to know that for the multiple choice. That is important and I still to this very day ‑‑ oh it has been 27 years since I took the bar. I remember when I was studying for the bar exam, I kept missing these questions and it is branded in my memory. I see someone driving recklessly in a school zone and murders a child it is murder two. It can be involuntary. What dictate ss the facts. So, if they are telling you are driving in a school zone a hundred miles per hour at night and of course a child steps out and you hit and kill them that is involuntary manslaughter. Verses I change the facts during the school hour and you are driving the hundred miles per hour and hit a child that would be murder two. It is very important obviously to know based upon your standard of how far I have to go. I don't want to talk about involuntary manslaughter if it is not an issue. If I can argue intent to kill bodily harm and reckless, I know I will never get to involuntary manslaughter if I have one (Indistinct) reckless to hang my head on (Indistinct) verses on MB it is factual to determine is it really murder two or is it involuntary. Again, the facts will dictate. You are shooting a gun in the air in a populated area. Times care in New York City on New Year’s Eve. I think it is murder two. Verses in the desert where it will probably be involuntary. That is why I stress and it is so important to pay attention the facts the facts dictate and tell us everything. It is important to watch that and pick the best answer choice. It is a process and takes time.

Going back to question number of four. I can see why everybody understanding why B is the best answer choice. Right? We are getting there. Let's look at question number five. Always again to go to the call of the question.

If Liz asserts a claim against Juan for the injuries, she suffered from the fall she will most likely. Liz is asserting ago claim against Juan. What do I know? I know it is torts. Why? She is suing Juan and it is a claim. Right? That is not how they write a criminal law question and that is not how they write a call to question for contracts. Let's go to facts ‑‑ (reading question five) ‑‑ if I am in a restaurant what am I thinking? Invitee ‑‑ (reading question number five) ‑‑

Now in this type of question too remember you have to go back and look to the tort checklist what is the theory of liability? Sounds like negligence to me. Now negligence you go to your checklist. Is there a special duty issue here? Sure, invitee with an invitee one that comes on the premises ‑‑ you have an angle on the floor and you didn't warn her. Sounds like there is a chance she might be able to recover. What do you think?

So necessary sense is there a good chance in regards to recover. What do I need the show? Well, if you see A says recover because ‑‑ I will have to read it because I feel she can. B says recover ‑‑ C says not recover unless ‑‑ C becomes as what? Recover if. And D not recover if. So, I can only get option D out of the picture. Ly have to read A, be W, C. A this is true but what do we know about premise liability. I can't warn you about something I don't know. B says recover if the egg roll was on the floor for a substantial period of time before the accident. Substantial period of time. Hm that sounds pretty good. And then C says not recover which we are changing to recover if Juan knew the egg roll was on the floor. What is our best answer choice? Does he have to have knowledge? No. You knew or should have known this is a standard. And as an invitee owe them a duty to check the premises. Looks like B would be a better answer choice it shows it was on the floor for a substantial period of time shows Juan was breaching his duty because he is not checking the premises. B is best answer choice because I don't have to have actual knowledge. Remember we are suing under negligence. In regards to negligence remembers for the duty ‑‑ by the egg roll being on the floor for a substantial period of time means he is not inspecting. Like grocery store and why they keep the sweep sheets. They are supposing today inspect the premises. The knowledge isn't the stronger answer choice. B is the best answer choice here. And again, that is because of the knowledge. He doesn't have to know. That is not the element.

So, for question number five everybody sees why B is the best answer choice. All right. Let's look at the last question. Question number six. Let's look at the call. Which of the following is correct? Not a good question ‑‑ (reading question six) ‑‑ this point mailed an offer and we see an offer ‑‑ acceptance was to be no later than October 10th. I have an offer and supposed to get no later than the tenth and you posted on the third sounds like the mailbox rule to me and acceptance is effective upon dispatch. Acceptance arrived on the 7th. October 4th Arthur sold the tracking question to larson and mail it had notice of sale. If I mail the notice of sale that is a revocation but revocation is effective upon receipt. The letter arrived on the sixth of October. They were nice they gave it to you. We know we have a valid contract. Under the mailbox rule acceptance is on dispatch. On October 3rd we have a valid contract.

The answer choices. There was a valid acceptance of the Arthur offer on the day ‑‑ that is true. B Arthur's offer was effective revoked by the sale of the tract of land on the fourth. No because I accepted on the third. C says Arthur could not revoke the offer to sell the land until after October 10th. No. D ‑‑ the mailbox rules the acceptance was effective upon dispatch. A is best answer choice. And these are questions they are going to test. And you need to know this. If I gave the same facts and posted the acceptance on the third but I called Arthur and said look I sent you an acceptance but I don't want it and Madison you know ‑‑ told him this and Arthur relied. That acceptance is no longer. I can rely on that. When he sold on the fourth, he is off of the hook. Again, it comes down to facts and have you to pay attention to the facts and time line. And that is important on these types of questions. On this question it is straightforward. A is the best answer choice.

In regards to the few multistate questions we did. It gives you a process on how to understand ‑‑ how to eliminate the wrong answer choice. Key thing you should take away from tonight is make sure to focus on the call of the question. Focus on it and make sure you are answering the you will call of the question that is important. Break out the elements when you read a multistate. Don't be broad. What theory of liability are we looking at? If it is torts is it negligence or battery. Crimes is it battery or an attempt and focus on the underlying theory and break apart. And try to eliminate two answer choices if you can. You got to break it apart.

Now the rule of thumb is on multiple choice questions. I would like you to always answer the why. What does that mean? Well, if you get it wrong why did you get it wrong? I want you to look at that and dictate as to why A was correct and you picked B. You are going to see a lot of us do things differently and for different reasons and a lot of times when we read the answer choice, we knew the answer and it makes sense to me. Then why did you miss it? It is important to figure out the why. Otherwise, if I don’t, I will keep missing the same thing just like the issue I have with murder two and involuntary manslaughter. I read the answer and it made sense to me. But I didn't know the why. I kept getting it wrong. Why? It is factual. No one said in the answer choice. So, you learn by process of looking in and seeing a ha. No one explains that they tell you why this is the best answer choice but don't tell you that you could be looking at murder two based on the facts but you didn't pay attention to the facts because it is litigation based on the facts. You have time now. If you missed things, I would do a clipboard. That is how I used to do it and review once a week. 1 or 2 words of the hypothetical. And I would go back and be like I remember that one and I don't forget and I am learning from the mistakes and some people do flash cards and that is important

Next Tuesday we will go over torts and what I mean by that is a tort mini‑lecture. What I do in the minilecture series I go over the subject matter and I don't read the black letter law. I feel you know it and read it on your own. Ly go over how concepts are tested what you need to look for. Key things they looking for. Say false imprisonments in torts. You need to be aware and these are key point that I will point out to you that you want to understand so you do well on the multiple choice or if it comes up on an essay question itself. At this point does anybody have any questions for me?

As always if anything comes up shoot me an e‑mail and I would be more than happy to help in any way I can. Remember we have plenty of choices for you. What do I mean? Go Taft web site. We have baby bar questions there. We have bar questions if you run out. I would recommend that you start issue spotting especially after you get out of a subject. Remember this is a building block process. After we do torts. You can't leave torts. You hang onto it and then we go to contracts and we add on and then go to crimes. You don't ever leave the subject otherwise you flush the information and it is like starting all over again which we don't have the time for.

If anything comes up please let me know otherwise, I wish you a good night and hope to see you guys next week all right good night.