Taft Law School

Baby Bar

9/1/2020

[START TIME 6 P.M.]

>>> Good our primary lecture tonight we will go over multiple choice questions. Things have changed. If you’re taking this up and coming baby bar for November you will take multiple choice questions on the computer so will have to modify some of the lecture to have a better understanding how to take the multiple choice questions on line. First I want to point out the sessions are recorded. If you ever want to go back and listen to a session everything is posted on Taft's website in the student section. The other thing you obviously see we have a presentation on the screen and I don't know why based on the software but if you have questions you can place them in the comment, the chat, that for some reason I can see, the question answer I can't always see, so will make sure I answer anything you have.

I see one that says have we started the answer is yes, you posted in the right place. What is covered on the baby bar what you need to understand torts, contracts, commercial code, and criminal law. What will be a little more difficult for you is unfortunately the uniformed commercial code you just really touched a very thin layer of that subject matter that is something you’re responsible for the baby bar, but a little more in depth.

We will send out primary areas when we get to contracts of what is tested in that area you need to know. A lot of times you see the multiple choice questions with the U CC they like to test your remedies prior to acceptance, so acceptance of the goods versus after. And destination stuff like that. Even auctions those the details we will go over to make sure you do know you should get those right. The good news it is very rule oriented. In regards to torts I want you to point out, it is directed towards the elements, it is black letter law so you should be getting those correct versus contract is comprehensive you have to read the fact patterns and break them apart.

Will be more difficult on the computer but you can highlight. So I would recommend to read it slowly highlight key things that will trigger these facts support theory. Here is the acceptance, so keep it formulated I call it mental math. Other good news it is checklist oriented so visualize your checklist and see where you end up, that should hone you in as to whether or not a contract is formed the issue may baa defense or something to that effect.

And criminal law very oriented as well just need to know your elements look to your black letter law. The multistate examination is an objective exam. Four answer choices the questions are mixed not 33 torts 33 contracts 33 law that is not how it works they are mixed so will be your job to determine if it is a tort or criminal law questions. Multistates are the same value so answer them all if your running out of time, guess put something down you have a one out of four chance versus a zero I want you to guess. On multiple choice questions what you need to understand is they are come priced of three parts. The writ the fact pattern, the stem the call the question and your options which are answer choices a couple things I want you to understand. For some reason with multiple choice questions we treat them a little different you can't do that. You are actually doing the same analysis as an essay but the essay you write it show me how you got there versus a multiple choice question you do it in your minds then picking the best answer choice. So your really going through that same analytical process. So want to make sure you understand that we don't shortcut it you go through your steps. Especially if I teach you an approach for homicide or murder you go through those steps it will end with the best answer choice. When you read the question read it carefully. Pay attention to the facts.

The examiners know we don't read in detail as a lawyer you got to read in detail. You got to look to the operative language the fact pattern is on these details these facts without the facts there is no issue so look at that. With the multistate questions what you will be doing is pulling out that which is relevant versus that which is not relevant so pull out what is rely vent to your question. How to we read a multiple choice question. Start with the call of the question, this is something a lot of students have not done you want to start and practice pf that is important, why. The call will do a couple things first it can narrow down the subject matter.

For the baby bar if I have a good idea I am in torts or criminal law. What is funny you know the lowest score on the multiple choice is criminal law what why criminal law I feel people don't pay attention to the call. If I ask is he guilty of battery. What is battery, well I said guilty so criminal law or liability that is torts. So pay attention to the call can narrow down subject matter and sometimes narrow it down to the specific issue they are testing. That is important the reason being I might ask for a specific issue then you read the fact pattern it takes you a different direction sways a different direction where you need to come back and focus on the under lying issue I asked you about. Or I ask you about something not there like can a defendant be guilty of assault but give facts for another crime your focusing on that versus wait the call asked for assault that is what we focus on so pay attention to that very important. Once you read the call of the question you need to read the fact pattern very carefully.

This is something you need to do in practice because guess what you get 1.8 minutes per question good news bad news. That is not much time. You will find though with torts and criminal law a lot of times we get through them faster versus contract sometimes I need three minutes ouch. But can make up the time with torts and criminal law that is why eventually you want simulated that way you get your timing down. So at the againing this process I think your okay. Not to time yourself until you get through the subject matter once you feel comfortable you time yourself go to the next subject matter and keep adding what I call building blocks. You start with torts you study it two or three days a week you feel prepared your doing simulation, then contracts, you don't leave torts still do torts so maybe not doing you know 50 tort questions I will do 15 then the remainder in contracts so learning but can't abandon a subject once you learn or you will forget it that is frustrating. What about marking up fact pattern.

You can highlight since this is done for most out of on the actual computer, you can highlight the actual facts. That is an advantage to you you can highlight the questions that is something to do so I you look to the key facts to hone you in on what is being tested. Break it apart.

First don't assume facts never assume facts whether an essay or multiple choice keep the problem simple. There is multiple ways to interpret a question make it straight forward don't make it complex and guess because most likely your wrong, and generally they are locking for the straight interpretation in the first place. Look for triggering facts while reading. So an example the examiners like a test on statute they will give that what do we do as a student we I go author the statute cannot do that so whatever that statute says that is your black letter law so you need to read the statute carefully and see if the facts support that statute to find a violation or not. Again the examiners know most students will not apply the statute that will hurt you if you don't apply it you will find a different whether a tort or crime that is not what is being tested.

Now if a question is specific so an example what is the best defense. Which claim will succeed? These are types of calls that rewrite my mind set what does that mean?

Well what is the best defense what does that mean that means I rewrite it to based on the facts what will support the defendants claim of not being guilty, so like a hierarchy the best way to get you off the best at the fence. In looking at that you see the word best defense that can be a true defense. So criminal law says defendant that is in regards to self defense, defense of others, or my best defense might be to negate mens rea. So what would be the best answer choice. So can you actually see a question where the defendant obviously killed somebody so shot at them deliberately to prevent them from shooting him. Well that is specific intent so we sound like we got murder maybe first degree if not second but he has a claim of self defense it is a viable claim of self defense which is your best answer choice.

The rule of thumb is if you can always negate the crime that no crime took place, that is always your better answer choice versus a true defense right? I look at it as, if I don't negate the element like the mens rea I can fall back on a defense that is what my attorney should do start high have my safety net there in the case. If you ever knock it out on the element of the crime or the tort that is always the better answer choice then a true defense I want to make sure you understand that. So torts call what claim will succeed. That is pretty general.

What do I do you want to look to what is the only claim based upon the facts that will be successful here. So do I have a viable cause for action for negligence or for battery, that means you are going to break apart the elements and dissect those elements to see again if they are supported pursuant to the facts. Again does not seem like a hard call but I got to rewrite it to see what are they really asking me okay. Now another key thing I need to work on my timing. I got to get through the questions right. So you will have a hundred multiple choice questions they are administered to new lots of 50, so 50 the first session 50 the second session you have your 90 minutes. Now in regards to doing that I need to work on my timing what can help me. What can help you actually is when you read the stem right sometimes people go to the answer choices this is something you practice I am to slow a reader can never do that I read the fact pattern then look at answer choices but the one thing we should all have is we should be able to eliminate two answer choices right off the bat generally.

So out of the four answers we shab able to eliminate two what to I mean. Well if you have a multiple choice question, you see in that question that has because or since in the answer choice, these are what we call conclusions. So therefore everything after the because of since has to be true and it will be true. Right? So let's look at the example number one there.

Right and see regards to what I am talking about. I find demonstrating will help. So the first thing we will do is look to the call charged with assault, he will be found, now charged I should be thinking crimes. But say I am green quickly glancing at the answer choices I know a criminal law question you know the definition of assault is different in tort than criminal law so can have an answer if you think. So an assault is defined as an attempt to commit a battery. As Pete was walking down main street he dropped his cell phone. In the process of picking up the phone he hit Mari jogging down main street in the but. Thought Pete was being fresh and pushed Pete. At first we say guilty or not guilty go to the answer choices. First thing is the statute. It defines the assault for me. In regards to the assault what is the mens rea. And generally as our definitions what we learned for assault it is a general intent crime but based on state X statute it is not it is a specific intent crime it is intent to commit battery so intent need specific intent, substantial, ability, very clever on their part to pay attention to the actual statute. So looking at it question wise will I based on the facts find him guilty or not. You see answer choices ABC and D say guilty not guilty they all have that modifier because. I should be able to eliminate two answer choices right off the bat.

So do we find him guilty or not. I will lean towards not guilty so don't have to read options A and B I narrow it down to options C and D. But let's look at the answer choices so we understand in regards to what they are trying to test here.

So answer choice A, guilty because he caused apprehension in Mari. Well what is the problem with that the statute does not say you have to cause apprehension right plus no facts that support he caused that apprehension she is not fearful. B guilty should have been aware of others around him. Again focusing on the attempt. So if he should have been aware of people around him what does that go to that is more general intent or more a negligence standard so that is not going to support the definition they gave for an assault so B is out. C not guilty he had no intent to touch Mari. Long game need specific intent that looks good he did not have specific intent because the facts told you what he dropped his cell phone. Bent down to grab it right and obviously I will use the word inadvertently but hit Mari in the but. So D not guilty he did not intend to touch Mari. That looks like a good answer choice too. To be truthful C and D are both correct but what is the best answer choice. The best answer choice would be C, why. Because it goes to the element no intent so that supports he did not have the specific intent where D said he did not intend which is a factually statement versus a legally correct statement can be that close so students don't like multiple choice questions in law. There is two correct answers but one is better than the other.

Everybody understand why C, it negates the mens rea and the statute they told you you have to show an attempt to commit a battery. So again if you break it apart, they don't seem difficult pretty straightforward.

Now another modifier if and unless if and unless when you see a question using F as a modify every what you need to understand is everything after that word if must be true some of the guilty if and based on the facts must be true. As for the answer choice using unless as a modifier those are tricky ones I don't dismiss off the bat I am careful with those and rewrite them. So the only way I attack is consider them negative that you want to rewrite it. So if it says, yes, unless, I cross it out and put no if. Or if it says no, unless, I cross it out and put yes if. Right because everything after the F must be true what you will see with those types of questions.

You will have a fact pattern. Guess what a lot of times when you see the F you rewrite it yes, unless, to no if, they add facts that will change what you read up above to make it true or that is the cause of action we should sue or whatever the case may be. So everything they add you break it apart. Now if Sam asserts a claim based on miss reputation against Tammy. So we practice questions, misrepresentation, they did not tell me if it is intentional or negligent so with misrepresentation which if it is intention al it is the same as fraud or negligent misrepresent the main difference well one is remedies but don't worry is in regards to the intent or a negligence standard a lack of due care that is the main difference between the two you need to know. In fourth year remedies there is a difference based on what we get with the damage. So a false representation either made knowingly or lack of due care which depends which lied to their determent the main elements. Since I know they gave me in the call this is where my mind set will go to see what element in their miss rep are they testing here so hone in and get the best answer choice. Tammy is a chemical engineer no interests or with chem. co. Saw listed part of the assets a large inventory. Listed at hundred thousand dollars but she knew the compound was in short supply and the current market value was a million dollars. If the true value of the chemical was known the stock would sell for 30 dollars. Offers him 6 thousand a share. If Sam represents a --

Now what do we need to see a false representation so a million versus a thousand that is material. Which when justified to rely to his detriment so what are they really testing here let's look to your answer choices. A says yes Tammy knew the volume of the inventory. C says no unless which you can change to yes if Tammy told Sam the stock was worth more than 6 dollars a share. And then last --

How am I going to pick which is actual best answer choice here. Well if you look at A it has the because modifier. Right and because Tammy knew if I go through the elements of misrepresentation, she is just a chemical engineer she has no interest or connection with the company so does not oh future duty or connection with that company. So to I see a false statement being represented here, which to the detriment. No I know A is out. B says yes, right, you got the if as the modifier. So remember with the F everything after has to be true. If Tammy did not inform Sam of the true value. Since she has no relationship with co she does not have an obligation, so if you and I know of something the true value of an article or say we go to an antique store and see something know the true value we don't have to disclose that no obligation on our part same here. We know B is out. C says no unless. Remember you cross that out in your mind set put yes if Tammy solid Sam the stock was not worth more than 6 thrars a share. So made a false statement knew about the short supply. So that will support C looks good that will support a claim of misrepresentation she made a statement. You see how that answer choice added to the fact showing she represented something which she previously did not do in the fact pattern.

Yes if Tammy told Sam the stock was worth it. So we got the false representation she knew. And D says no, again everything after the if needs to be true. No if Kim cos financial statement was available to Sam does that support misrepresentation. Where that would fit in is to his reliance. But in looking at it. We don't have a fault statement. So C is a better answer choice that supports she made a false statement. So if she did make that false statement, I will have a claim of misrepresentation so we know D is not correct I still need to meet every element of the misrepresentation. Since there is based on looking at answer choice D, he obviously should be aware of the financial statement and value. If we have no representation we have no misrepresentation. So we know D cannot be the answer. By process we find what is our correct answer choice. C. C would be your best answer choice.

Okay so again with your if, everything after the if must be true if you have the unless, no unless, yes unless, cross it out write the opposite. No unless, yes if, yes unless, no if and everything after that if has to be true that is a way for you to process it and get better acquainted and choose the best answer choice so will not fall in what we call the pitfalls. Other thing on multiple choice questions especially in torts, especially in criminal is we need to make sure we go through the elements of the crime or tort. Guess what we have a tendency we do not do that.

Read a fact pattern, battery. Wait a minute was there in -- intent harmful of offensive touching. You will see the state electric devices put in my car that causes a mild shock to a normal person but here a person touches the car with a pacemaker have to go through the battery. Then elements such as defense of property. So did I use reasonable to defend my course of yes so got to dairy it all the way through that is important guess what we don't do it so need to focus mode to break apart. So three steps. After you made the call you read the fact pattern you get a general sense of what is being tested what issue what are they looking for so again say battery. Well what is battery, is tested the intent the harmful offense the damage, a defense you got to break it apart once you get to that trigger, what within it are they looking for.

That make sense you got to really break it apart. Then you get the best answer choice. Alright. Let's look at another example. Now again what is the first thing you’re going to do is read the call of the question. In an action for false imprisonment against -- and children of the earth -- so false imprisonment is a tort also a crime but since we got an action or false imprisonment very specific until we know it is a civil action a tort so right there we are going through false imprisonment need to show the intension physical psychological confinement of another and any defenses. Whatever the case may B it says was a member of the children of the earth during one of the organizations group encounter sessions the group need Tilly was a paranoid schizophrenic. Her dis loyalty stemmed from the fact she telling phoned her parents, ostracized from the group she fled the commune and returned to her parents home. After unsuccessfully trying to lure her back he employed a last ditch earth. Had a billboard across from the house. Had it printed to read till -- fearful she would be abducted by her former brothers and sirs. In an action of false imprisonment.

Now you notice it says recover since and not recover since now remember because and since are conclusions so you should be able to narrow this down to two. How many choose recover, how many choose not recover. So you either eliminate it to A and B or eliminate the answer choices to C and D. Based on these facts I am going with not recover right?

Let's look at your answer choices. A says recover since the from the billboard. Well it does but what do you show for false imprisonment. The intentional physical or psychological confinement of another. The confinement did result from the threat so psychological but do we have the intent. B says since tilly's confinement was psychological and was a paranoid skit friend that is true but intent. C not recovered since not confined in her home that seems factual but not true so a question mark. And D not recovered was under no restraints to not leave her house. So AB and D have one thing in common the confinement but do we have the intent the answer is no they want her out do not want her in. Since they did not intend to have her combined C is the best answer choice there is no intent. So you got to break apart at the times make shower they are supported with the facts.

Now with intentional tort here it is a hint take it in the order of your rule was there intent. Was there a physical psychological confinement if you knock it out with no intent that is a better answer choice than any other element because it lacks the intent your mind set that is important so want to make sure you understand. You see how they are troeug to get me to suck in and picky know they are trying to trek psychological confinement but there was no intent so wrong answer choice. This question is missed by students so obviously it is an area we need to work on and break apart. If I find which I do here which there is false imprisonment what do I want to do. I want to make shower there is no defenses they will test those without seeing it asking about it ask the question are there any defenses then carry it from there. Even negligence. So the cause of action might be none, because you did not have damage.

So you got to pay attention carry it through just look like you would do on an essay question. So learned in regards to since.

Because how the modifiers are conclusions so you should be able to eliminate two answer choices with those rights off the bat. You got the if everything after the if is untrue then unless you rewrite to no unless to yes if. Or yes unless to no if. Right rewriting them to help you focus on again what is being tested. Let's look at a couple answers or a couple multistate questions to have a better understanding of application. Again this is something you want to start practicing obviously you want to get it down to a science. Let's look at question number one. Again may Thomas bring the lawsuit now. You get to a point you know what is getting tested most don't know it is a contract question is dealing with repudiation but the more you plug into the checklist of this is how they test this issue pretty soon you start reading and you know what is being tested that will speed up you as well. The faster you get with question recognition. I am a slow reader say I repeat the facts in my mind. On November first 2009 entered a contract to play a piano in the nightclub for news years eve. 25 thousand for the evening Mozart is popular and will pack the nightclub. On December 29, 2029 called and said offered more money to play at another nightclub and would not be playing?

So what is being tested here. Well.

What is being tested what I call is breach. So in essence do I get to see you now or wait till you show up. So hired you for news year eve so December 31 have to wait for you to show up if not sue. You so maybe sue you for not showing up in the first place. With breach couple things you need express repudiation. If you look at the facts told him offered more to play somewhere else that is an expression of repudiation but also need to show the contract is in executory stages that is the element we don't know what does that mean executory stages what that means is neither party started a performance. If both of us start a performance or one of us fully performed the contract is not in executory stages. So can sue now. So answer choices. A conclusion don't have to read. B no sense conclusion don't have to read it. Yes for C and D so read those to. So eliminated A and B honed down toC and D. So let's look at D. Yes since Thomas will lose profit without a headliner that does not matter. So C is your best answer choice. The key thing is the executor I guarantee you I promise you will have one at least one multiple choice question dealing with this issue. Out of hundred you got 99 more to go to learn so will be questions leak this people do not do well so for question one C is your best answer choice.

If Thomas paid the 25 thousand dollars up front would that change the answer choice and the answer would be yes because he is fully performed he would have to wait and see in that case would he. Alright let's look at question number 2. The call says the most serious crime that BIF could be convicted of so have to break it apart BIF goes to Jacksons house intending to break N so those facts tell me 3:30 so daytime but attempting to break in so mens rea is what he got the mens rea specific intent wants to break in. When he arrives finds the door wide open no one home so if he enters no breaking. Walks in and takes the TV so entry. So most serious crime. First was there taking sure he intended to break in. Was that a personal property of another, went to Jacksons house. The specific intent well the whole intent was to take it so A looks good so breaking apart at the times based on the facts I like larceny but let's look at all of them. B says robbery. Robbery is what larceny with force fear intimidation. I know there is a larceny only way to up it to robbery is force intimidation but no one is home so robbery is out. Burglar sounds good but was daytime so that is out. And D embezzlelement, but never trusted with it so A is the best answer choice. Now a curve ball say I tell you it is 10 P.M., he breaks into the door, right, walks in, takes the TV, and leave.

Would that change my answer choice. The answer would be yes. Because burglary is better in that case so you have a you burglary and Larceny so two crimes but what is the most sere you burglary is a felony so the best answer choice in that case some of the remember a lot of times when you see a burglary you have to have specific intent to commit a felony at the time of entry or larceny which in this case we do have. You would have a lot of times when you address burglary the sub issue of another crime. So someone intends to break in to murder you have a burglary and murder. Or to steel have you the burglary and whatever they intend to steel so understand that so for question two A is the only answer choice that is the best that supports at the times. You with me. Alright number 3.

Charged with arson under most modern statutes Mel will likely be.

Modern statutes. The general rule for multiple choice questions your responsible for common law unless dictated other wise. This told you modern statutes so need to pay attention. They told me in regards to arson what is arson? Well what do you show for arson malicious burning of a structure. A dwelling or something of another, but still need that mens rea of maliciousness. Okay Mel is painting car in the garage with chemicals. Stands outsides for a smoke break, ignites the fire. Will he be convicted or acquitted. You see the because so should be able to eliminate two answer choices right off the bat. Right? So convicted or acquitted.

Well I don't feel it will be convicted why because there is no maliciousness so A is out. Acquitted did not burn down a dwelling but don't need a dwelling in modern law it is any structure. C acquitted the structure was his own purport. And D acquitted did not intend to start the fire D is the correct answer. Say I get confused say I don't know, I look at it. Say well G says the damage his garage is his own property that is a choice. But people forget you can't burn down your own garage or house. Say I don't know and I forget I like C and D. How can I know if I am making a mistake what is the best answer choice. Take it in the hierarchy of your rule. You need to show the mens rea first. If I knock it out in the mens rea it will be a better answer choice. Even if I misinterpret it well D the mens rea will not be there need to show malicious. So common law cannot be charged with the arson. So ways to safe my self if I make a mistake that will help me. Say we change the facts on you.

Say I give you the facts he maliciously went and burned down his garage. Right? That will change the answer choice. So what would be the best answer choice.?

Well B says acquitted did not burn down a dwelling. C is acquitted the garage was his own purport. Well I think I will lean towards C you cannot burn down your own property common law where a garage could be considered because of the attachment to the house but I would go with C I feel they are trying to test me to remember the law you cannot commit a larceny against your own property. That would change the answer choice and C in that case would be your best answer.

Alright let's look at number 4.

Again always go to the call is the man guilty of murder. When you see this call don't just jump on it how do we show murder. Intent to kill intent to cause bodily conduct wanton wreck less conduct felony rule so will read the facts and determined base on fees phacs what to argue. So as he was slowly driving his school out of the school parking lot he hit and killed a student who ran out from behind a parked car is he guilty. So did he have the intent to kill no. Did he have intent to commit bodily harm. He was slowly driving so no. Was it wreck less well he was slowly driving so no. Was it felony murder rule. Wait he took an unintended backpack was in the rest of commit ago crime but what is the problem. Yes, B. Because it is not an inherently dangerous felony. Right. Those are the inherently dangerous felonies we can impute and find malice murder based on the commission of the crime some of the testing here to see your understanding ofrt felony murder law. So your answer choices. No because or less because can you eliminate two well we did the analysis we know no because it is not an inherently dangerous felony don't read C and D and go to go to A and B. So map did not intend to het the student. That is week. B larceny with a backpack is not a dangerous felony that is my best answer choice. A is not wrong but not the best answer choice because this question is testing the felony murder rule is this an inherently dangerous, felony to show malice equate to murder and no it will not does not, so B your correct answer so by breaking this apart dissecting it will you see what is being tested. So not just murder you got to force yourself through the steps. I even have to force my self through the steps or I get it wrong my self. Cannot look at it as a whole I will make a mistake that is embarrassing. So let's look at number 5 if Liz asserts a claim for injuries she suffered from the fall -- now that is a general call isn't it but I know probably torts why asserted a claim civil. That is not a call for contracts. So I know it is going to be a tort so got to find which tort is being tested here. Liz and her boyfriend were having dinner at the golden dragon Chinese restaurant when she executed her self to go to the bathroom.

As Liz was walking past the table another customer was seated she slipped and felon an egg roll lying on the floor. So the restaurant owned and operated by Wong. Walked past a table. Slipped on an egg roll on the floor so in invited so negligent at this point. And wrong needs to know dangerous situations. When she fell her head struck a suffering tray. Suffered concussion. Could have done so but did not warn Liz so patron let it sit there but asserting a claim against Wong. So she will most likely be now before you look at the answer choices narrow it down to what is being tested that is negligence step one the theory. What would the negligence being tested here. Beauty, breach, causation, or damages? I got to hone in on it break it apart. Well I think it is duty. As an invitee, your duty to warn of any known dangers if Wong knew the egg roll was there and did not correct it or warn of the situation he is going down with negligence so now do I feel she will recover. Well she will recover if what? Again at the beginning roll was on the floor for a period offer time in which he should inspect discover and correct. Do I know at this point if she can recover or thought I might be questioned. So might have to read the answer choices. But I feel based on these facts if you look what can e eliminate. So recover because, a conclusion, and at this point unless I show something Wong knew she will not recover I got to recover if so everything after if is true. C says not recover unless. So recover if. So will read C. And not recover if, I will read D. So only true one I probably get away with to eliminate is A in this case.

Now let's CA recovered because educational roll on the floor so did but Wong has to know about it so A is out. The egg roll on the floor a substantial period of time before the accident. Is that good remember if it is there for a long period of time you did not expect a discover and correct problem that locks good. And not recover unless Wong knew the egg roll was on the floor. Not recovered unless but if he knew. Could recover if he knew but that is not the standard. So D says not recovered if she was responsible for knocking the egg roll off the floor. Well we know that is not true customers do things all the time but up to the owner to inspect discover and warn. So by the process of elimination we know B is the best answer choice T standard for negligence is not that you actually know that would arguably me for me intentional tort. So for me if the egg rolling was on the floor a substantial period of time he should have discovered it or corrected the situation or warned her so for question 5 B is the best so see how we break it apart and get there. Hopefully this gives a better understanding how to attack the multiple choice questions especially on line with mental math you got to dissect it in your mind set break it apart. Alright question 6 the last one we are getting there. Which is the following correct. Does not help with anything have to read the facts determine what will they asking. On October first Arthur mailed to Madison on offer to sell a track of land.

Now pay attention October 1 they give a date and sent an offer so will make the argument it is an offer. Accept taps is no later than October 10th October accept by October 10th so option contract but no consideration here so can revoke it at any time. So Madison posted acceptance the third of October. Oh if you posted acceptance when is acceptance effective upon dispatch the acceptance arrived on October 7. On October 4th back in time Arthur sold the track in question.

Remember when I give notice of the sail revocation it is effective upon receipt on this case. The letter arrived on the 6th but after dispatched the letter of accept taps they gave it to you which of the follow is correct. Well do we have a valid contract here the answer is absolutely yes because I will tell you two ways pay attention. The first attention they told you he sent an offer. Then second sentence says posted acceptance. We have a binding contract at this point. So even though it arrived October 7 we have a binding contract does not matter well 4 solid it but third so contract took place first but the revocation not till the 6 so have a valid contract so valid acceptance on the offer. B says the offer effective revoked by the sail of the tract of land. No upon receipt.

C says Arthur could not revoke the offer to sell the land that is not true there is no option hero or some reliance or something: D says Madison's acceptance was not valid deemed to have noticed prior to acceptance so A is your best answer choice. So let's throw a curve ball. Say it says acceptance was to be no later than October 10 and that Madison paid a hundred dollars to cope that offer open to the 10th would that change your answer choice? The answer is yes it would. Because it says there was a valid acceptance of the offer on the day Madison posted acceptance that would not be true. If you have an option the mailbox rule does not apply. So in this case the acceptance would not take effect until receipt which would be October 7 that is when the contract is formed but revoked it on the forth so can be in breach of the option but the acceptance is not effective until receipt versus dispatch. That is true with an option or firm offer which is something we like to test so something to be aware of so you get the correct answer choice. Little knew wapbses is what they like. So gone over a few multiple choice questions to give you a better understanding how to eliminate wrong answers to dissect the elements of the crime or tort so you can focus obviously and pick the best of the two answer choices. Make sure you focus on the call of the question IE the stem that is very important, you want to make shower your answering the call. Break out we did this several times break out the theory. Negligence, or the crime, larceny. Or break the issues in contract as to what is being tested and see, work on now accident at this point, to start eliminating two answer choices off the bat and honing down the other two. Once you get to that point where your honing down the two answer choices, pretty soon you start learning how to choose the better of the two now our score goes up. One key thing you have time when you miss a multiple choice question look to the why. If I picked A should be B why what did I do incorrectly what did I not apply right. The example with the option being valid in this question number 6 reagent why did I pick A when that is not the correct answer choice the answer should be effect ily revoked once you get the revocation. So my acceptance would not have been in effect until the 7th reference on the 6th so why is my answer wrong mailbox rule does not apply to option that is why I write the why to make sure I don't miss it. A week from now I know it but I don't so go back and look to that that is very important some of the look to the why if you have a chance write it down on a flash card or your multistate papers that your going to review.

It is not enough to review the answers because a lot of times guess what you know the answer the black letter law just did not apply it right so all about application very important to work on the application that is what we are testing that is what people don't understand about law school it is all application. Now at this point what will happen you will be sent an e-mail with a tort checklist if you have a checklist you used in law school keep it you it don't rememorize hard to undue what you learned but you will be sent that we will go over the subject matter of torts. What I do I pinpoint I don't read the black letter law you should know. I will pinpoint areas of what they test what key things to look for. So in essence you see battery how do they test, or false imprisonment one of their favorite things to test you have to be aware of the confinement or damage by it that is always on multiple choice. So nuance like that to have a better understanding and plug it in. Yes so look to the why write down why you messed it. Not just the answer choice. Why A instead of B.

Once you figure that out you will thought miss that question again but then you start seeing how that concept is tested that is important. If anything comes up during your preparation during the week send me an e-mail I will be more than happy to help any way I K again you got to suck it up have that endurance you got to start practicing. Doing multiple choice questions. If it is five a day I will take it. Then up the antiso got to start working it. For those getting ready for the bar whether October or February start working it now especially February you have time take your time go in there pass it first time. Baby bar is not easy people think it is easy it is not. A lot of people that went to school probably would not pass the baby bar they test areas you have not had wret -- so once you get to remedies or civil procedure how we get our evidence how we gather it and present it at trial the pieces start to fit together but not have had that yet so makes it more difficult. Any other questions before I say good night?

Alright again if anything does come up feel free to let me know will be more than happy to help any way I can look forward to seeing you next week have a good night.

[END TIME 7:00 P.M.]