Taft law school.

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PROFESSOR: Our focus tonight will be on multiple choice questions. These sessions are recorded. For your convenience, you can log on to Taft's website, student section and go to the Baby Bar mini series. If you have questions feel free to ask, place them in the chat. And I will be more than happy to answer.

On the Baby Bar bar the questions are mixed. You are not going to have 33 torts in a row. They are mixed. They are worth the same points. When it's getting close to time, it's better to put something in than not answer at all. They all going to be calculated in. You should be doing multiple choice questions daily. You need to start mastering the tools and how the legal concepts are tested and make sure we are successful in doing well.

Learning how to take multiple choice questions is very specific. It's like a little game. And 1 word can change everything. So you need to understand how the question is written. You need to understand the call of the question. And what is being asked.

It's very important.

When readings the multiple choice, you need to read the facts. Look the a the operative language. Look to the words. Highlight it. It's going to be done on the computer, you have a chance to highlight key facts and look for that.

The verbiage is very important. So if I say to you, Joel, to say tossed me the wallet, we are thinking of torts. If I say Joel throw the wallet and hit me in the face, battery or negligence. Words can change things and how we look at things. That's very important.

Battery can go either way for the first example. Versus hurled. I have strong facts to support the actual intent. So that's important when reading to the multiple choice questions to look at the key facts and look to see what examiners is trying to tell you.

Focus on the call of the question. What are the examiners looking for? You want to focus on the call and answer the call of the question. Do not you assume facts and don't make it harder than it is. If you narrow down the issue to larceny, what do I need to show larceny. And break apart the elements to see if facts support it. When practicing, see the issue as to what is being tested, break the elements and support it with the facts.

Looking at specific subject such as torts. Torts is tested directly to the element. Black Letter Law. You will see a lot of questions dealing with negligence. The question might be, what's the defendant's best defense, you need to understand those calls and see what the examiners is trying to get you to focused on.

It could be negligence, products liability. The facts is going to dictate. Best claim, it didn't say which one will prevail.

Versus the defendant's best defense. What does that mean? Well, it could be negate an element. Look to the facts as to the hierarchy. And answer choice it's giving you facts to support or to negate an element of negligence versus true defense of let's say contributory negligence. What's my best answer choice. To show negligent cause of action is not there. That would be a better defense for the defendant versus showing the plaintiff with contributory negligence. Understand the call and what it's asking. It's very important.

Read the facts and determine the cause determine on what the basis of the lawsuit is.

And quickly eliminate. Go through your answer choice and get rid of the ones that are incorrect.

How I take a multiple choice questions, I look to the call, I read the facts, and then I hone in on what's being tested. I don't want to look at it more broadly. Oh, negligence, too broad. Hone down to what specifically is being tested.

Duty, what is within duty being tested? Invitee? And did that actually take place. You got to break it apart. It's very important.

If I give you the call of the question, Mike sues Rick for trespass could be negligence, or intentional. So you have to take a step back and look to the actual facts to see what's transpired. Fact pattern, Mike rowing the boat on the rain and rainstorm, so he row to nearby dock. The owner of the dock tell us him to get the boat out of there and wants him to leave. Rick is upset, and unties the boat and boat sinks.

And Mike asks if he can stay on the property. Rick says no. Seek and shelter under Rick's tree, the rain stops. If he sues ‑‑ Mike sues Rick for trespass, is it a negligence trespass or intentional trespass?

When he docked his boat, and Mike is ‑‑ is Michael liable for the trespass? Was my conduct intentional? Or negligent?

All seems like he wanted to shelter the trees intentional. So it looks like intentional trespass. But do I have a defense of necessity based on the rainstorm. So I can negates in regards to the intentional trespass with the defense of necessity. So you want to break it apart.

Versus, negligent trespass, basically tell you in the facts that he just went and shelter under a tree and didn't know where he was and he drifted upon someone else's property. So negligent trespass. The point is look for the best answer and narrow it down.

Contract. It's reading comprehension. The fact pattern tends to be long and lengthy and look for the call and see what is the examiner testing. Do you want to make a distinction between common law and UCC. If you are seeing an option, contract, where if it's UCC, you might want to argue firm offer. So keep in mind in what's being tested.

An example of what they like to test especially on multiple choice questions is nonconforming goods.

If I send you nonconforming goods, is that a breach?

Nonconforming goods, that can act as an acceptance as well as a breach unless you have to have a letter ‑‑ notice of accommodation. So the one that's receiving the goods knows that I have these instead. So it's treated on a counter offer versus breach itself.

Read the facts. And break it apart. And I know it's harder doing it on the computer. But you have to dissect it and see what's transpired between the parties.

The call of the questions, what was the effect of the May 12 letter. So you got to go back and see what transpired between the parties. Was the letter an offer and was there an acceptance on May 12 or revocation or rejection? And they do this a lot with what we call the mailbox rule, back and forth.

So these are key things that I want you to keep in mind and break apart. Because again, that's going to give me the best answer choice.

Very, very important.

The next subject matter is criminal law. Criminal law is Black Letter Law. To me that's good. You want to make sure I break apart the elements of the crime and see the facts supported and if they do, I will get the best answer choice. But I got to look at everything. That means, I not only support that the facts support that crime, but I also have to look to see if there is applicable defenses. And this is where I stress, where your checklist help you.

You got to break it apart by your checklist. And use in your checklist. So in a crime, larceny, and trespassory taking and carrying away personal property of other, and if all these elements are supported, is there any true defense that I can argue? Self‑defense and defense of others, crime prevention. And dissect it in and of itself.

Again, you want to pay attention to the call of the questions. And for some reasons students have a tendency to not pay attention to the call.

Pay attention especially in criminal law. Look to see if it is a criminal law call.

And that's a lower score on the Baby Bar. Why it's score low because people don't break it apart the call. Is it a tort call or criminal law call. And you will know based on plaintiff vs. Defendant, prosecution vs. Defendant. State vs. Defendant.

Is the defendant guilty? What's the best crime can be charged to the defendant? Possible crime to charge the defendant. There's no way they can hide that from you. So make sure you understand that.

An area of importance that I want you to focus on is homicide. Murder is testable.

And don't forget that on the multiple choice questions.

For example, if I break into your home to steal a TV, and there's a murder that occurs, you can argue felony murder rule. Versus I break in and kill the person. Felony murder rule, you can't use the underlining felony for that rule. You have to look for it. Committing a felony or larceny or breaking in that way.

Remember, your equate crime are testable. And theft crime as well. Don't forget your defenses. If I tell you goes to Jackson's house intend to go and takes his TV the door was open, and he walks in and takes the TV.

3:30 p.m. no burglary. The door was open. So no breaking.

There's no one home. So no robbery. The most serious crime is larceny. And I go to my answer choices and see if I can find that in the answer choice itself.

Again, break it apart. You got to look to things. Dissect it and break it apart.

General rules that I want you to focus on. Look for triggering facts when you are reading the exam. Look to statute. Break apart the elements of the statute. We do not read statute probably. You have to dissect them and see what needs to be a menace ray and ‑‑ if the question is very specific, what is the best defense? Which claim will succeed. Write the question to understand it. Best defense is the only way I get off for free. Can I negate an element or do I have a true defense. That way you will hone in ‑‑ down to two choices and pick the best one. If I can knock it out knowing no element versus no defense, that's a best answer choice.

Modifiers. If and unless. Everything after the if must be true.

Again, when you see a question choosing if as the modifier, everything after the if must be true.

So again, everything after that word has to make sense as in supporting your position.

Versus unless. That's different.

As a modifier the best way to attack it is cross it off and make it an opposite. Yes, unless. Cross it. No, if. Do it on your mind. Everything after if is true now.

Example. If Sam starts to claim against Tammy. Tam is a chemical engineering. It's misrepresentation. It could be fraud or negligence. Tammy notice that chemical company listed part of the asset ‑‑ (*reading*) ‑‑ the asset was listed at a cost of $100,000. But Tammy knew the ingredients of the compound were in short supply and current market value was $1 million. The stock is selling at $5. If true value of the chemical was known, it would sell at $30. Tammy approaches Sam and officer 6:00 share for 1,000 shares. If Sam asserts claim based on misrepresentation against Tammy will Sam prevail.

For misrepresentation, I need a false representation of material fact which one justify rely to their detriment.

If we are looking at because is a modifier based on misrepresentation, will he prevail. Because goes through the element if misrepresentation is supported.

So I gave option A saying, will he prevail from misrepresentation. Yes, Tammy did not tell him the value of the stock. And we know, because ‑‑ she didn't make misrepresentation.

If as a modifier, everything after that will be true. If tam ‑‑ there's no fiduciary relationship. And she never made a representation.

No unless, cross that, yes, if. After yes, if has to be true.

She made a representation. So yes, if I take the F as a modifier, and it says what? No, unless, cross it off if. If TAM made an answer, that supports the answer of misrepresentation. Based on these facts, she didn't make a representation. And the other thing you will notice with the if as a modifier and no unless, and then I rewrite it to yes, if. If I add those facts, that supports my claim. And that's going to be a good answer choice.

And then if I had no if, everything after if must be true. In and of itself, no, if there is no representation, which, of course, the third one, C. I put C, if she made false misrepresentation that's the best answer choice. Make sure you understand that and break it apart those are tricky and we have a tendency to miss those.

In a nutshell, read the call of the question first. Read the facts, highlight and break it apart. You are going to have your mental checklist in your mindset and see what concepts being tested, break apart the elements. See the support based on the facts, get an idea on what's being tested and look through the answer choices.

If you have no idea on what's tested, you will pick the wrong answer. If you don't understand, go back and read it again. And use your checklist. I can back into the issue by the use of my checklist.

Let's take a couple of questions and see how we do well of them.

First question, we will go through. It's tested all the time.

If you look at the call. Thomas bring the lawsuit now.

You will see this, it's tested at least one out of 100. And it's testing is anticipatory breach. You repudiated. The contract must be executory stages. That's the key.

What is executory stages mean? What that means is that neither of the starter performance or only one of us is partially performed. If you partially performed it's not executory stages. This is very important because it's tested all the time. Students don't understand this concept. So you want to know it.

Let's go ahead and read the question.

(Reading the question).

The agreement was for $25,000 for the evening. Mozart is very popular and Thomas knew he had a big following and would pack the nightclub. On December 29, 2009, Mozart called Thomas that he was offered more money and would not play. May Thomas bring the lawsuit now? Thomas needs to show that the contract is in executory stages. Has Mozart started performance? Thomas started performance? No. It's executory stages.

He repudiated. So he can bring the lawsuit now. He can bring it now, yes. Modifier. Because and since. So I can get rid of option A. And option B. So I only have to read C and D. This is important because it's timed exam. I need to get through these quickly. If I can save time, I'm going to do it.

C, because Mozart repudiated the contract. I want to see if I have a tidier answer.

Yes, since Thomas will lose profit without a headliner. The best answer would be C.

Let's take the same problem and shake it up.

Let's say A and B say the same.

D says yes, since the contract is an executory stages. What would be my best answer choice? C or D?

And since D actually goes to element, that's my best answer choice. Because I changed it on you.

On the screen, C is best answer. But when I change the facts on you, it gave you an element of the specific issue. That's always the better answer choice.

So remember, there is two correct answers. One is better than the other.

That's how we determine the best answer choice.

Question 1, C was the best answer.

Question 2. If Paul's estate asserts claim against Daniel for the wrongful death of Paul, will the he is stale prevail. Wrongful death is you are suing on behalf of the party.

You need to show the underlying tort.

So you always have to be thinking about the underlying tort.

Daniel owned a restored classic automobile made in 1922. To discourage tampering with the car, Daniel installed an electrical device designed to give a why would shock to warn the people not touching the car.

He doesn't want anyone touching it trespassing.

So we know ‑‑ Paul, a heart patient with a pacemaker saw Daniel's car and attempted to open the door. Paul received a mild shock but caused his pacemaker to malfunction resulting in a fatal heart attack.

If Paul's estate asserts a claim against Daniel for the wrongful death of Paul, will the estate prevail? Yes or no.

Look at your answer choices.

It's a mild shock. So this shouldn't normally happen. So I'm thinking no. If you look at the two answer C and D, yes, because, get rid of C.

Yes, if. I should read the F if they add facts. I have to read A, B, and D.

A, no, if Daniel was not using excess i force to protect his car.

So one can use reasonable force, maybe your defense of property.

B, negligence.

And D. Paul had no reason to suspect the presence of the electrical device. He doesn't have to suspect. Estate asserts the claim, no. Daniel was not using excessive force.

What's the theory we are thinking of here? I'm thinking did you commit a battery? And I'm thinking I could use defense of property. One can use reasonable force within my property to make sure you don't touch it, harm it.

If they found it was excessive force, then it's no defense. Then they would prevail.

Question number 2. A is your best answer choice.

Number 3. Did Len commit burglary. This is a specific call. Burglary, you should be thinking of common law. On the multiple choice questions, common law unless they dictate otherwise.

So specific call going through elements. Nighttime, breaking. Entering, dwelling of another see if those elements are supported based on the facts.

Bill borrow a set from Len to watch a game. Bill promised to return the set by 7:00 because Len wanted to watch a program at 10:00. When bill had not returned the set by 9:00. Len went to bill's house. And bill was not home. And Len forced open a window, climbed in, and took his television set and walked out with it. Did he commit a burglary? He forced in. There is entry. It's bill's house. Where is it lacking in did he have the specific intent to commit a felony? No. He is taking back his television set.

Did he commit burglary in no.

I can eliminate options A and B. Because is a modifier.

I have to read answer choice C and D.

No. Because bill was not at home when Len went to his house. It doesn't matter.

D, because Len entered for the purpose of recovering his own television set. D is a better answer choice.

Same facts but let's change it on you. C says, no, because bill did not have the intent at the time of the entry to commit a felony therein. And D says no. Because Len entered for the purpose of his own television set. C is a statement of law. I just changed it on you. D is a statement of facts. Law prevails over statement of fact.

Supporting the element. Giving the fact, specific intent to commit felony at the time of entry. That will be the better answer choice. Now you will get down to the two. But you need to get a step further.

Question 4. Frederick threatened Bruce with a physical beating unless Bruce personally wrote signed mail letter to the president of the United States. Threatening the president's life. You are forcing me to do something I don't want to do. With duress. It's valid defense. You must have the imminency. Causing you stress. Or a close family member.

Bruce comply, statute makes it a felony to knowingly to mail to personal a letter that threatens the life of the president of the United States.

Are the elements of the statute met. Did he knowingly mail it? Yes. He complied but he was threatened. He is threatening the president. Those elements of the statute are met. So it looks like he is going to be guilty but now you look to the defense. Do we have a defense of duress? And is the evidence there. It is.

Answer choices. I can eliminate C and D because modifier and only read options A and B.

A says no. Because he did not intend to take the president's life.

Okay. B says no because the defense of duress. That's a better answer choice. Knowingly to mail and to threaten. He did not say he intend to take the life. He mailed threatening. Whether you carry out or not. That shows statute to support it.

So for question 4, B would be your best answer choice.

Again, when you are taking these, you want to break things apart and look to see what the examiners are testing and always look to the actual why. You have to look to the why.

Let's look at number 5. Did Pete commit the crime of conspiracy to sell the stolen car?

Element. Agreement. Two or more. And you have to commit an unlawful act.

Ed told Pete that he had stolen a car and engine had to be rebuilt before it could be showed.

Peter agreed to perform under following terms. $300 upon completion of the job, even though his nor fee was $600 and he would receive additional $600 when Ed sold the car. After rebuilding the engine and before the car was sold Pete and Ed were arrested. Did Pete commit the crime of experience to sell the stolen car? Yes.

Look to your answer choices. And see what I can get rid of.

I can get rid of C and D.

A, because he agreed to rebuild the engine knowing the car was stolen. He shouldn't agreed to that. But that's not a crime. So he is not helping or hindering that fact.

B says yes, because of the profit. And that's what got him in trouble. A conspirator.

Key facts, and break it apart. And making sure the facts are supported. The more I can get you to dissect and break it apart, you are going to get the best answer choice.

If you find that you are not doing well on the multiple choice questions, I want you to look to the why. If time allows, you can write flash cards. But I find time is of essence. You do want to break it apart.

You were sent 100 multiple choice questions to take. A couple of questions already on some. Let's look at the questions. And if you have other questions, put in chat.

Question number 2. In looking at this, it's a tort question. It says here, if serve strict liability action motor the car ‑‑ if I'm suing a manufacturer, distributor, retailer, under products liability, the retailer will be reliable under strict liability in tort. As long as I show defective product. I have to see if negligence is there. They told me in this fact pattern in the call, strict liability. As long as I show the car defective, he is accountable.

Answers choices without reading the question, liable the car was defect when sold. B ‑‑ that's wrong language. That goes to negligence. That's another point to make sure the answer you are choosing goes to the tort that you are finding. And in this particular question, they gave it to you, strict liability.

C, not liable because he is not the purchaser.

And D, not liable, exercising reasonable care. That's negligent language again.

So I am not sure which one you choice. Look to the call. Strict liability, you need to break it apart.

Another question was question 6. They are going to test these in regards to do I have intervening X. What is foreseeable or not.

Could that be foreseeable. Yes. If they give me something odd, then things might change. So something that's abnormal.

He was employed as night secured guard. What are we thinking? Chemical strict liability.

And it's warehouse. Stored flammable and used for national defense firm. He used the most modern in storing and packaging of the material. Lightning hit the White House and he was injured.

What tort is this? Chemical. Strict liability.

So he will be strictly liable.

The answer you choice is he will not prevail. We have the because modifier. Explode in unforeseeable manner.

Acts of God or foreseeable. Unless they told me based on these facts, that this was unusual, you know, lightning storm, it doesn't happen in this matter to show abnormal, then causation would be issue and then looking at that to negate and strict liability.

You can take the same question, add a word and change answer choice. In this case, they are able to bail him for strict liability because it's an act of God. Normal acts of God are foreseeable. Abnormal. No. In this case, they were considered foreseeable.

Another question, I will summarize it number 8 for torts. I see why you missed it. You have to make a determination for question 8 as to whether the issue is battery or intentional infliction of emotional distress.

And it's factual. So how do I know? They are students. And he plays a joke and pulls the chair and he falls. And can he recover from battery, yes.

Why not intentional infliction emotional stress? You have to be in front of bigger group of notoriety. Again, how do I know which way? It's factual. Go back and look at the underlying facts and see again, do you have notoriety. And what group in front of and that will dictate for you.

Any other questions?

Another question that seems to be missed in regards to battery. Remember, for intentional torts, assault, battery ‑‑ you do need to look to intent. I have the desired result or intent to do the act, maybe not the conduct or result. I have intent supported there.

With battery, remember, there are things that society accepts. So I tap you on the shoulder to ask you what time is it. That's socially acceptable. You don't need physical harm for battery. Someone comes up and ‑‑ vaping and blows the smoke in your face, that's equivalent to battery. Because that's offensive. We wouldn't like it to happen to us. And that you can argue.

The other is visibility. I am not sure what question was in this packet I sent you. With visibility, the key thing, if the contract was bargained as a whole, divided by price ‑‑ it's ‑‑ the area they test is installment contracts are not divisible. You are bargaining for a whole and setup for monthly installment or whatever agreements between the parties. Those contracts are not divisible. Understand that in and of itself.

Any other questions that you did that someone has a question on?

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I hope you did take the 100. I don't find them extremely difficult but there are good pointers here. Again, with multiple choice questions, you got to be doing them every day. You got to find yourself doing relatively well. What you do in practice, we still have a couple of more weeks. When you are doing 60, it's rare, when I practice, I go in there and change. It will be 60 and 65. That's why you need to work on it now and the why and understand the concepts.

Knowing the law is not enough. You have to spend time practicing these questions. You can read the Gilberts and everything you know about contracts. That's not going to make a difference on the multiple choice. You got to understand how they test the nuances and know what they are asking based on the call of the questions. And need to know the broad concepts of law. Not every nuance. If I understand how to read the question, even if I did not know the nuance, I can figure it out. Because I understood how the examiner test.

You are not reading the question or facts carefully. You got to break it apart and look to what they are trying to communicate.

If you are not doing well, you are not practicing enough. Focus on the fact pattern, get as many questions as you can. Pop them up on the computer because that's how you are going to do it on Baby Bar day. Get used to reading them on the computer and breaking it apart that way. The more I can get you to do that, that's going to help you and up your score.

You need to narrow down your answer. Narrow down to at least two answer choices. Then break it apart from there. So if you are getting down to the answer choices and still missing, why? Go back and see what extra steps you need to take. Am I taking factually correct or legally correct or not breaking apart enough to get to the sub issue of that theory we are addressing that pick that as my better answer?

These are little nuances that you have to break apart and go through. That's very important.

Now, we have one more class I believe. I will send you three more essay questions for you to look at and write. If you have time, write them. Right now is crunch time. That means you got to study smarter. I want you to map out your daily schedule. If you have a few hours a day, map it out.

30 multiple choice questions. That's 1 hour. 30 minutes to do them. Allow yourself half that time to critique them. So I can get through 30 questions and look at my whys and feedback no more than an hour and 15 minutes. And issue spotting. Start issue spotting exam. Pull them off the bar website and go to current and work your ways backwards.

November 2020 and work your way backwards. Issue spotting them and outline. And this is how I write it and look at the answer.

The more you understand how the concept comes up in a fact pattern and how you will articulate, that's going to help you. I don't want to see first day on the Baby Bar, a question I look at, the issue, I have no idea how to write it and lay this out. We don't want to do that. That's bad timing. So you want to break apart in that manner.

Look for three essay questions to be sent out to you as well as multiple choice questions and get your schedule down so you start applying. It's crunch time. I have to make those hours work for us.

Any questions?

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I don't know if the answer went out late so you don't have questions or what. If something does come up and you haven't taken them yet, and you do, and you have questions on them, please always, send me an e‑mail and I will be more than happy to answer those questions for you. You can't go in there not knowing why you have something wrong.

Any other questions?

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You guys have been great. If anything does come up, let me know. I will be more than happy to help you. Shoot me an e‑mail. And do that schedule. We have a few more weeks. I want to make every minute count and start implementing. The more I can get you to look at the questions and look how the concept is tested the more you will reach success. Okay. Wish you all a good night.

(Event adjourned at 6:46 p.m.)