Taft

Baby Bar

10/5/2021

Start -- 6:00PM --

>>> Good evening everybody we will be starting in approximately two minutes for those in the chat if you could let me know you can hear me loud and clear I will use this as my sound check again we start in approximately two minutes thank you.

We will be starting in approximately one minute!

Good evening everybody welcome to tonight's baby bar hope everybody is doing well your preparation going well. We are down to the wire the baby bar as you know it will be here October 26 so about three weeks before that exam day comes. I hope at this point you are working on multiple choice questions daily working on issue spotting. This is what we call fine tuning time. Tonight our focus will be on multiple choice questions how to attack the multiple choice. Seems to be the most difficult the reason being most multiple questions in law have two answers one better than the other makes it difficult. These sessions are recorded for your convenience you can go to Taft's website the baby bar section everything is posted for you. If you have questions feel free to put them in the chat I will be obviously able to see them and answer you based on questions. Remember the multiple choice questions you see base on my PowerPoint you have four answer choices four options. The question for the baby bar are mixed torts, contracts, UCC, and criminal law. Your job to determine what the subject matter S they are all the same point value. They are all worth the same so need to answer them all. If it gets down to the wire bubble something in you have a 4th of a chance 25 minute verse a zero so do that.

Master how these concepts are tested. Figure why did I miss it why is A better than B. Once you start honing in you see hreug issues like this is a sub issue within contracts testing, testing the intent element. You got to break it down that far to get the best answer choices. This is where I basically say you are narrowing down you need to understand the question, how it is written, is that important. You got to read the facts carefully. Don't make assumptions read the facts carefully. They know we are in such a hur because we are worried about the time don't read properly. Look for the opentive language what is relative versus relevant. We will give you facts with no meaning. The key thing I want you to do is start with the call of the question why number one this should narrow you down as to what is the subject matter being tested. You definitely will know a criminal law question versus a tort question evident by the call of the question. When you read the actual questions highlight key things for yourself. Remember if you are doing this upcoming baby bar you will be doing this on line. Looks like that have not announced it yet but the bar exam for February will be in person so looks like they will be going back to in person exams so have to prepare our selves as to what exam. At this point if you do it on line markup your screen highlight key facts very important. Again the multistate question turns on the basis of the facts. Make sure you answer the call. Don't want to assume facts. Now remember torts is testing straightforward the element of the rule of the law black letter law. You see a lot of questions with negligence they ask what the plane attendants best claim. Remember the best defense is not always a. It does differ so defense can mean a counter argument. So I want you to be sure you understand that. And break that apart that is important. Because again then you are in the going to get the best answer choice its self. You also need to make sure you determine what the cause of the action the party or plaintiff is suing. Negligence or defamation what claim. This will narrow down the specifics what is being tested what you node to hone in on. So an example Michael is rowing his boat on a lake.

A severe rainstorm arose and fearful his boat might sink docks it at a dock the owner of the dock tells him to get out of here because the boat is bumping the dock scratching the paint. When he refuses the owner of the dock let's the boat go it sings. After seller hours the rain stops now the homeowner wants to sue Michael for trespassing because she on his prarpt. What is the viable claim. Obviously trespass to land obviously intentional why because he wanted to get out of the storm have some shelter. So based on the fact of trespassing we find it is intentional I will go one direction with the answer say a negligent trespass you need to figure that outbreak it apart based on the facts that will hone you into the correct answer choice. In contracts unfortunately questions are very demanding on your reading comprehension. The fact patterns are long, lengthy. You need to look to your best argument. Look to calls such as what is the additional fact that will strengthen the claim. Was the oral proplts valid. Admissible into evidence. So you want to make sure you break things apart make sure with your checklist where you are at. So aim at an option a modification. Battle of the forms 2 - 207 or really just an issue of counter offer. You need to know that other wise you get the wrong answer. So I do want you to break that apart. If you see a third party beneficiary multiple choice question break it apart. I know it is hard to do visually but mark it on your computer screen with highlighting as to who is doing what to visualize to get the right answer choice.

The goal obviously is eliminate the wrong answer choices which at this point I am sure you get two right off the bat eliminated. Now I hone in as to what the two I am looking at but got to hone into the best one. That is at this point I have to massage that work on that. Criminal law not difficult either very black letter law. Pay attention to the call of the question. Did you know criminal law is one of the lowest scores on multiple choice. When I get baby bar example results the lowest score is usually the criminal law why. That is because I really feel students are not paying attention to the call of the question. They will give you in a criminal law fact pattern you read the answer choices like a tort answer such as false imprisonment wait false imprisonment is a tort and a crime how do I know. It is going to be dictated based on the call of the question need to pay attention to the call of the question. Some general rules look for triggering facts when reading. If they give a statute break apart at the times of a statute. If the question is specific what is the best defense, write the call what is the only that will work here. We did go over modifiers I hope you have been using the tricks I showed as to if and unless is modifiers. Remember everything after the if must be true. Again everything after the if must be true. Ton less, that is a little bit more difficult. If you see anything in regards to unless remember I told you we were going to do what rewrite the question. So if it says yes unless we cross it off put no if. Everything after that if, which will be statements of facts new your answer choice, must be true. So have to break that apart to be successful get your actual mind set that is important. Let's look at an example. Tammy a chemical engineer. Notices that Kim cos most recently publicly issues finance statement listed as part of assets a large inventory of a chemical compound.

The asset was listed at a hundred thousand. Kim co stock is currently selling for 5 dollars however if the true value of the chemical was known the stock would sell 30 dollars. Tammy approaches Sam offers for his chairs. Look at the call. If Sam starts with misrepresentation against tammy will Sam prevail. Misrepresentation remember can be intentional or negligent so need an intentional or negligent representation of the material fact which justified or relied to their detriment. So now we have because of an actual modifier. Right. Would we prevail.

So based on the misrepresentation of Sam going to prevail and go through the elements of misrepresentation to determine. If you have a yes if, as a modifier. Everything after the if must be true. If I tell you yes if tammy did not inform him is that true would that find the claim for misrepresentation, the answer is no. Why? She is a chemical engineer not an officer or director so does no fiduciary duty so that is not correct. If I make a modifier no unless I have to put it yes if, and everything after the if would have to be true. In this particular answer choice if I put yes if she made a misrepresentation that is the best answer choice so what I did is change the facts on you didn't I. I want you to be aware of this again I am very reluctant to dismiss questions that have unless I really make sure I break them apart dissect them that is very important for you to get an understanding. Because why? I don't want to miss it, right.

So your unless please rewrite them to cross it off if it is yes unless it is a no if. If it is a, right, no unless, it is a yes if, and everything after the if will be true. That make sense can everybody hear me looks like one student can't quite hear me. Alright. So let's take a look at you should have got the multistate lecture up here on the screen as well in front of you. So let's look at a couple questions in regards to breaking it apart. Again at this point I want you to continuously practice the question that is important. Why? Because we want a good score on the multiple choice questions. The hire I get the score the better off I will be in regards to my essays which a lot of us are strong on the essays but if we don't pass these we won't do a good job. So the best answer choice. So let's look at this first question number one on November first 2009 Mozart introduced a contract to Tomas to play in a nightclub for new years he have. Mozart is very popular Thomas knew he had a big following and would pack the nightclub. On December 29 Mozart called Thomas told him he has been offered more money to play at another club would not be playing. Could Thomas bring a lawsuit now. What is that call of question asking you? Well look at your dates. We contracted on the November 1st, 20069 for what the 31 of December on the 29 say you can't do it so do I wait if you show up or not some of the is this anticipatory repudiation. Do I have to wait and see or can I sue you now.

Obviously if I have to wait and see I only have money for one headliner if you show up and I hire somebody else I am in breach of contract so makes W with anticipatory repudiation what do you need to show. You need to show the contract is an executory stages what does that mean? Well that means neither of us fully performed or neither of us started performance. If only one of us did it is still in executory stageses. Knowing that can we eliminate. We want to get to the point where can you eliminate two without reading them. That will save you a lot of time. So based on the law we went over in our mind set right can he bring a lawsuit now or must he wait and see. Paced upon the fact pattern neither started performance have they? So he should be able. If I look at A and B options, right, it says the conclusion, right, of because and since, I don't have to read those. C and D say yes because and yes since, which I am leaning towards yes, I will have to read C and D. C yes Mozart repudiates the contract. Thomas says yes will lose profit without the headliner. What is being tested here. Did he repudiate, so C the correct answer. The key thing to remember with anticipatory repudiation is the contract must be in executory stages that is important very, very important. Again if it is not obviously that will give us a different answer choice. So do you see how we can eliminate, that is important. We want to eliminate two right off the bat if we can. Alright question two.

Danielle owned a restored classic automobile made in 1922. To discourage tampering with the car Daniel installed a electric device designed to give a mild shock. What are you thinking right offer the bat. If I put a device on my car shocks you is it equivalent to a battery right based on the facts. Paul, a heart patient, with a pacemaker, saw Daniels car attempted to open the door. Paul received a mild shock which would not harm an ordinary individual but which caused his pacemaker to malfunction resulting in a fatal heart attack. Now basically Paul's estate sues Daniel will the estate reveil. First when the estate brings a wrongful death claim if you do see this on the baby bar if you see a survival statute or wrongful death like here you always stel have to show the underlining tort in this case battery so intentional harmful intentional touching of another facts support it you put it on the first place. But does Daniel have a defense. Well what is he doing, trying to protect his car, what did the guy do not lean on it he tried to open the door so can argue defense so with defense of property you may use reasonable force not deadly force the policy because we protect human life over property. So I see a battery here but see a claim or defense for Daniel to argue defense of property. + looking at answer choices can I get rid of some. A says no if which I feel he won't be able to prevail so will have to look at that one. B no will have to read that one. C yes that is a conclusion but don't think he will prevail so get rid of that. D says yes if. Oh, yes if. I will have to read that one, because they could add a fact or change a fact which would make it true. So will look as to how it is written at this point then come back. So eliminated only C so have to read option A, B, and D. So A if not using excessive force to protect the car like that one goes right to defense of property because cannot use excess identify force. B says no because Paul was a trespasser remember trespasser the theory of negligence in California we don't use trespassers we don't classify we -- well this is not a negligent claim the conduct was intentionally. Eliminated C so D. So a restatement of facts that duds not matter. So I know by process A has to be my best answer choice. Now let's say I change the facts. So Paul's estate asserts claim against Daniel for wrongful death of Paul under the theory of negligence will Paul's estate prevail, would that change things? Well I could not use A as that offense does not work for negligence. If that was my claim, which I don't like, the best answer actually would be what? Well looking more and testing the issue of causation now. Right? So if I can find that you were a trespasser which goes under negative kwrepbs I owe you no duty. Look at C yes Daniels act was a substantial factor not really substantial the only one. D yes no cause to suspect the presence. By a process of all B would be the best answer choice if they sued under the negligence. So could do that to you pay attention to the viable cause if that is what they put. Even though you put wait the conduct was intentional does not matter that is the lawsuit they give you your stuck you use those facts break it apart make sense.

Moral of the story pay attention to the call of a question. Remember if it is an if everything after if has to be true don't automatically dismiss it because it says yes or no because again they could change it by the added facts so pay attention to that. Everybody with me. Let's look at question 3.

Bill bought a television set from Lynn to watch a football game. Promised to return the set by 7 Monday night. When bill had not returned the set by nine Lynn went to bills house. Forced open a window got the television set walked out did Lynn commit burringly. The important thing one I looked at the what the call of the question right. Then I go, wait, it is burglary so looking to elements of burglary. So need the night time, the breaking, the entering, the dwelling house of another, with the specific intent to commit a felony. Did they commit a burglary, what do I know. Well supposed to return the TV, 10 P.M. at night, so night time. Did he break in? Well looks like yes he did he climbed through a window. So at night time, breaking, entering, climbed through the window. Did he are the intent to commit a felony. No it is his own TV. No did he commit a burglary, say no, can eliminate options A and B that leaves options C and D. C says no because bill was not at home when Lynn went to the house does that go to element of burglary, no. And D says no because Lynn entered for the purpose offer recovering his own television set. Statement of fact but the answer negates he had any intent to commit a felony so D has to be your best answer choice. So again by breaking it apart by your process. Dissecting by your process of eliminate that will give the best answer choice. That is what you need to be doing that is important. Let's look at number four, you are quite tonight. Hopefully these are clicking solidifying things so you get a better understanding. Four Frederick threatened Bruce to mail a letter to the President of the United States. A statute makes it a felony to knowingly mail any letter that threatens the life of the President of United States. Looks like the statute we need to go through. Did he knowingly, yes, he was threatened. Is he threatening the Presidents life yes so looks like he violated statute will he be 2k3weu89 guilty. Looks like he will B but viable.

So did he violate the statute but we can eliminate C and D don't have to read them they have a conclusion of a yes or no. A says no he did not intend to take the Presidents life. B says no because the defense duress. Could change it to the imminent threat he did intend following through with the actual threat based on what Frederick did so B is your best answer choice. So sips we are talking about the defense of duress there is another trick. A lot of times they will use on the multiple choice question the felony murder rule. If I go burn down a nightclub and people are killed am I guilty of the murder you find me guilty through the felony murder rule because the arson. What you have to watch out for, what is the trick, is if duress is a defense to the under lying felony there is no murder. It is true, duress is not a defense to murder, but duress is a defense to arson, so if we are using arson or burglary or anything like that to find murder through the felony murder rule and under that under lying felony I have a defense of duress that changes the whole story. That is a multistate they will test. You got to pay attention. They want to make sure you understand the concepts so you break that apart. Don't just jump on felony murder rule your guilty. Wait what is the under lying felony are the elements supported is there viable defense if all those answers are yes then go to the next step. Okay.

Again that is something they do they know we don't take the time to break it apart. You have to. Alright question number 5. Ed told Pete. So if you are telling me the car is stolen want me to help you rebuild it is that a problem. No Pete agreed to perform the work. So far no problem. Pete would receive 3 hundred dollars even though the normal fee was 6 hundred and would receive an additional 6 hundred when Ed sold the car. After rebuilding the engine pw\*fr the car was solid Pete and Ed was arrested. Now remember with con conspiracy what do you need. An agreement between two or more to commit an unlawful act. So do have an agreement. Is it between two or more. Yes Ed and Pete. An unlawful act yeah sell ago stolen car that is an unlawful act. So looking at your answer choices, will he be guilty of the conspiracy the answer is yes so eliminate options what C and D right.

I will have to go through options A and B. A says, yes because he agreed to rebuild the engine knowing the car was stolen. Again what crime have you committed. With conspiracy you have to have an agreement to commit an unlawful act what is the unlawful act you know it is stolen but not an unlawful act at that point. Yes because the profit that is what made him culpable so B is your best answer choice. If you find yourself not doing well on the multiple choice questions ask yourself is it the facts what is it. Do you not know the law well enough or have not spent enough time reviewing the outlines. I doubt it you know the broad concepts of the law but not the details. Are you reading the call of the question. Answering call of the question. Dissecting the facts carefully. Because a lot of times, I tell this to student. Take 50 multistates, and you do, and I got 20 correct out of 50 not very happy with my self. How am I going to pass with that so feel, I took them in torts, don't know torts, really down on my self, you need to determine what is going on look at the why. So go back to the questions you missed and dissect them. It does not do any good just to read the answers, because you will make the same mistake again because you don't know why you missed the concept in the first place so take a step back break it apart that is important. Look to why you chose A when the answer was B.

I don't have a problem with you reading the answer choice, but why did you not see that we got to figure out that little problem. At this point if you have title to write a flash card that is great but starting to get to close on time so might want to keep a note on your answer sheet there to go over it once and a while so you don't forget it. Always pick the more narrow answer so when you get it down to two answer choices the more specific it is the better answer it is. If other something the more I can get it to expose yourself to fact patterns that Lo help you why you can only test so many ways. So the more ways you understand how conspiracy comes down how they test the agreement a takes et agreement verse agreement by conduct that will help me get me a good understanding because I see the concept, different fact pattern accident if you concept testing in the same manner. That is important in its self. Okay. Does anybody have any questions at this point.

Now you were sent I believe 33 or no a hundred questions to take a look at. I don't know if you actually have done that but if so that is great.

I only had a couple people two people that sent questions on a couple of these so if you have a couple more pop them up there let me know. Couple things I was seeing, not reading correctly. You got to break apart things. So in regards to one particular question I think a student used wrong language question two put a notation here look at the actual language. So purchased a new car from motors. So see roadwaylation ship between the dealer and the purchaser. After driving the car 20 thousand miles solid it to boyer what does that mean when you sell the car. Does not mean the warranty goes away. Boyer loaned the auto. Was operating the vehicle in the speed limit the breaks suddenly failed. What cause of action do you think is coming your way sounds like a product liability. Unable to stop the car ford struck a taxi. Cars ended up on the sidewalk. The collision was due solely to the defective breaks. So will they be libel or not.

Well will be will be libel right under strict liability if you place it in the place of commerce your available but look at the fact pattern what is going on here not just strict liability because I have a change in hands. So purchased, solid to boyer, who lent it to his friend ford. The issue with strict liability is you want to make sure no one changed the car did not alter it in any form. As long as there is no altdering on the car they are on the hook. A lieable in detective when sold. Reasonable inspection back to negligence. Not libel if sir has been exercising reasonable care tart language again. So got to look at the language. This is a multistate they tested them a little more complex with strict liability if someone alters the product that changes everything. Tested with snow mobiles and sleds basically buying them from the store revs them up to make them faster whatever they changes everything that just cut off the manufactures liability so I see how strict liability is tested that is a different way. So the more exposition, that will help you obviously pick certain things up. That is important.

The other one question six this one most people have trouble with. So let's read it then I will give some hints about it. ZEC was employed as a nightguard. When you see this is what I like about the exammers the language you see chemical company what are you thinking strict liability also definitely torts and I did not read the call. A warehouse. Stored a multitude of flammable chemicals and exclosives used to supply various industrial and national defense firms. Used the most modern in the storing and packing. One evening a powerful electric storm was illuminating the skies A bolt of lighting hit the warehouse that injured Zach. Now again what is the theory we are looking for has to be strict liability. You are storing flammable materials what is the sub issue with strict liability. Approximate cause. Right. So in this case unless they told me, right, that we never have electric storms, right, it looks like it is an actual act of God. Now remember a normal act of God is foreseeable in this case for them to show that your not the approximate cause they have to tell me this is something that does not occur ever in this state. Is he going to prevail looking at yes. The answer choices A says prevail because. B says prevail because so have to read those. C and D say not prevail because. I ke eliminate the two answer choices without reading them again this is important because time. A says prevail because the accident occurred while Zach was acting in the scope of the employment. That answer goes to what. Vicarious liability. B says prevail because hurcleus would be strictly libel that is the best answer choice that is the theory. If he asserts a claim against Herculeses Herculeses is a chemical company so asserting my own claim. If you were suing Herculeses for an act Zach was doing vicarious liability comes into play so B would be the best answer choice. So again breaking it apart dissecting it that will help you makes a big deal of dinners right.

Does anybody have I am hoping you did these questions. Any other questions on the hundred sent out to you, you have me now. If you have not done them I would recommend you to do them I would take them under timing conditions to get a better understanding where you are at time wise. This is a point where we do diagnostic as to what we are at where is my weaknesses I have to focus on my weaknesses. Weak honest says I spend more time honest says. Weak on multiple choice spend more time on multiple choice. But where am I weak. Not just contracts, criminal law, within the subject its self. A lot of areas so let's go through it with torts. Causation is a very strong area for students to be week in. I need to know that it is all over causation every tort. It does exist in every tort remember it does potential torts negligence, defamation, invasion, every tort, do not always talk about it in the essay but does exist in every tort. Do I apply detpepses or look at the under lying tort same with criminal law hone it down. Student e mailed me was conditioned well it is conditions what do you need to look at. If I can't tell I take a step back look and see if there is an excuse for conditions this happens to all of us. A lot of times if I can't tell on an essay question I look at the fact pattern do I have impossibility, practical, basically correct need to address it. Also the call of the question was there is valid formed contract. Does not mean it eliminated defenses but narrowed down to formations so most likely not a conditions exam. But the more I practice break this apart it will breed success that is important. At this point what is going to happen. Getting down to the wire we will have another review of three essay questions. Also multiple choice questions.

If you have questions of those let me know. I would recommend for you to start working on your timing if you have not so you want to start doing some simulations for those taking the up and coming baby bar how it will be administered is you have one essay at a time. Good news, I can sit in my chair one hour times up stretch for five minutes before I go at the second question versus all four back-to-back big deal of difference time wise so that is how I will simulate my exam. Downfall you are on the computer everything is on your computer in front of you versus on a hard copy again that is something I want to simulate. I want to make sure we send you auto questions pop it on the screen practice that way will help you. So I want you to break that apart as to however you are going to be tested that that is what you are doing in some manner or form. Multistates will be broken into increments of 50 and 50, so take 50, take your break, then come back do another 50 versus having a full hundred in that three hour time period your time period is broken apart in 90 minutes. Prediction will be sent out remember just prediction for those who have not gotten they will be posted on Facebook but will be sent to you tomorrow so I will have an idea what to focus on. They are just prediction. Couple key things make sure you are reading the call of the question first don't care if it is an essay or multiple choice so you can hone down what the subject matter is that is being tested. Have a habit of using your checklist they will help you identify issues set up an in regards to writing that is important.

Anyone have any questions for me. Well I hope you guys are doing well I hope you are seeing how these pieces are coming together that you are seeing the issues on the exam if you need more exams can always go to the bar website go to prior baby bar questions. Go to Taft's have them up there as well most in the past have Taft model answers verse student answer. So all things that aid and help in regards to preparation because your success, is what, our success. So if you have no questions will let you go early. Can shoot an e-mail if something comes up jolly at TaftE DU this is the heat of the battle this is where my boot camp comes into play have to work hard and stride over that finish line on October 26 right. Anything comes up you know where I am at other wise I wish you guys a good night .

[END TIME ]