CLASS: TAFT

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R. Farrell

(Captioner on standby).

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>> Good even welcome to tonight’s baby bar miniseries and I hope everybody is doing well and hope you have a chance to look at the essay question we will review tonight and I saw one student sub mutt for some feedback. So hopefully we can get ideas to what we are currently missing I want to point out the sessions are recorded for your convenience and if you want to go back and listen to the lectures, they are under Taft's student section and click on the baby bar miniseries and everything is there to help you.

Let's get started in regards to the essay question. One thing someone pointed out is you are taking this online and it is a little different and I recommend that you start in regards to the actual practice and start practicing (Indistinct) on the computer that is how you are going to be taking the exam. Next week we are will have the (Indistinct) baby bar which is the October 2021 and the essays I sent to you are like they do with the bar. It has a front page for essay question one and front page for essay 2 and 3 and same thing for number four. I want you to use that as a guide to that is what you are going to expect and we are going to give one essay at a time and it is going to be directions. It is good for you to look at it now. If it is the same thing it probably, will be you don't have to waste your time with the directions and get into the zone or focus of the question and get everybody to attack that examination. That is important.

At this point can everybody hear loud and clear? Let me know. All right. Let's go through the essay question itself. Remember as I taught you always look to the call of the question. That is important. And the more you can see in regards to the call that is going to help direct you.

A couple of things one when you read the call of the question, I want you to be thinking is it a general call or a specific call and what do I mean? Look at the call of the question. With what crimes if any can Angela, Ryan and Carter recently charge and what defenses if any can each assert. Is that a general call to the question? Or a specific? That would be a general call of the question. What does that mean? Remember. General call doesn't give the specific issues such as burglary robbery and murder. It gives generic crimes but a general call helps you in many ways and how? Remember one since I am taking baby bar, I don't know the subject matter but the question told me it is crim law. That will help so I can direct my thinking in regards it is to crim law and at that point when I read the question, I can type out in short form my checklist so my mind set goes there and I am more Intune and had more on when I am reading the fact pattern.

Other thing that this call does give me with what crimes? Singular verse plural and tells me what crimes. I know I have two or more to address.

In regards to crimes for Angela. Brian and Carter. I need how many? Two or more. Now in regards to Angela, Brian and Carter, they gave you three people. What does that tell me? Something is up. Why not just two people. I know there has got to be something different between the parties and I can't lump them all together it is impossible. I know there is something different and I am going to look at that as what is the difference. Could be Pinkerton or one did the act and one didn't. Something has to be different they gave three parties and there is a reason. And says reasonably charged. Doesn't mean it is going to succeed. But there are enough facts that I raise the actual issue.

If you see attempt or robbery, you know element of fail that call tells you to raise it. And that defense? What does that mean? Two or more defenses. Again, I am seeing one defense. I know I made a mistake. I have got to look for defenses.

Now they read the call of the question and have a good understanding as to what it means and then you are going there obviously to read the facts and break apart. The general rules when they don't give a specific call, I have a tendency to take the call of the question in the order of the fact pattern and sometimes us can't do that and sometimes you can. Let's go through and see.

Angela Brian and Carter were at Angela's house drinking beer. And what should your p be thinking of? Intoxication. Voluntary. They wanted to order pizza and have it delivered. No problem. But they didn't have enough money to pay for it.

This is important. Because they are drinking beer but they are fully aware that they don't have money to pay for the pizza. Interesting. Right?

So they can't be that intoxicated (Indistinct) conduct right? Carter suggested that they order the pizza and grab it from the pizza delivery person without paying. So, when he suggested that what is the argument? That could be an argument for solicitation. Brian told Angela to call the pizza parlor. She did so and ordered a pizza knowing she could not pay for it and we have a conspiracy between Angela, Brian and Carter and know based upon Angela's conduct she agreed. Even though Carter suggests and had then Brian told Angela based on their conduct there is an agreement. Nothing was expressed, was it? But we are taking through the actual conduct.

Brian and Carter waited outside of the house. In the first paragraph I have drinking beer and I know it is voluntary intoxication and whenever I see intoxication, I always discuss diminished capacity and I know the call said defenses and I know I have two already. It says knowing didn't have enough money. Ordered it. And I see suggested the solicitation. I see between Brian Angela and Carter they agreed to basically not pay for the pizza. That is a conspiracy to commit larceny. There is quite a bit in the first paragraph in and of itself. Also, too the key thing I want you to be aware of is how I pick this up is based on the language and what they are telling you. They knew they didn't have enough money. They knew. Knowledge. Suggested. There is solicitation. It is important for you to look to the keywords and facts in order to help yourself see the underlining issues. And next it says when the person arrived with the Pete is a Carter pulled a gun out of the jacket pockets. What did they agree to? Grabbing the pizza without paying for it. And he has a gun and when you see a gun, I am thinking force. That seems is this robbery verses a larceny. Brian had no idea Carter was carrying a gun. What does that go to? Remember conspiracy you are responsible for any further natural and reasonable result of the conspiracy. I didn't know you had a gun seems like a counterargument. What could you foresee based on the crime that you are going to commit?

Carter fired the weapon into the delivery persons vehicle and didn't hit anyone. This is an odd fact and what does it mean? You know it is a delivery person and you know it is a person. And you fired into the vehicle. Are you try to go hurt or scare them? I brought up attempt.

Carter told Brian to grab the pizza. Brian was shocked by Carter's actions and didn't move. Now you are holding up and shot it is duress. What happened. I am stunned. That is duress. Doesn't mean it is going to succeed but that is an issue you are going to raise.

Carter, turn it had the gun on Brian and told him again to grab the pizza and run and you don't see duress you should be seeing at this point. Brian grabbed the pizza and Carter and Brian from fled the scene. Brian and Carter returned to Angela's house through the back door and all of them ate the pizza. How did you obtain the pizza? You stole it. And have that is Angela's part receiving stolen property she knows she didn't have the money to pay for it. Police arrest them. What crime or crimes could be charge and had what defense or defenses and looking at the actual facts you will see they are color coordinated here. I want you to learn to break apart by sentence. Angela and Brian and Carter at Angela's house drinking beer. Stop. Reflect on the sentences and see what it is telling U. and general rule and first time the last bar. The bar results came out for February. First time I ever seen a fact pattern be more than two pages I was shocked. It was an evidence question. General rule it was on the first page which is rare. First time in my history I saw it go to the second page it was the call of the question and wasn't the actual facts it was the calls and in regards to the essay question looking at the facts every sentence is there to go somewhere and mean something. The drinking beer is for defense of intoxication. The wanting to order a pizza and have it delivered but didn't have enough money to pay for it. What does that go to?

If you break apart by the sentence you will see the issues and that shows they had knowledge. So, anything they do conduct wise shows they intentionally did it because they are fully aware and also shows intoxication doesn't ne gate their specific intent. And then the next sentence Carter suggested order the pizza and grab from the delivery person without paying. Suggested and that is further solicitation. Brian told Angela to call the pizza parlor. Brian telling her and by his conduct following through on what Carter suggested on the conspiracy and Brian and Carter are in agreement and she ordered the pizza and now we got her.

I want you to look to each sentence and see with ha the examiner is trying to do to look at. It is either going to raise an issue or support an issue or element of that issue or negate through negation of the element or defense.

If I can train you to go in and break this apart like this. Nothing I can get by you because you are going to question it and say why are the facts here. That is important.

Again, the more I can get you to break it apart and dissect it is going to help immensely. Okay?

I will do with the next one. When the delivery person arrived with the pizza Carter pulled out a gun out of his jacket pocket. Why are they giving you a gun? A couple of reasons you should be thinking robbery for the force fear intimidation. Brian had no idea Carter was carrying a gun. Why is that there? Because of the Pinkerton rule. That is not what we agreed to under the conspiracy we agreed to grab the pizza and run that is larceny and robbery is a different ball of wax and the facts are to show counterargument under Pinkerton.

Carter fired weapon into delivery persons vehicle and again what does that raise? Why are you firing in the vehicle? You can use for force or fear. But didn't hit anyone. I am thinking attempt. That person sound like they are in the car ‑‑ [Reading]. Turn the gun on Brian and told him to grab the pizza and run. More support he succumbed. And Brian grab the pizza and Carter and Brian fled the scene and sports larceny. They return to Angela's house through the back door and all ate the pizza.

Again, they don't give you facts for no reason. So, it is something I want you to be aware of and I want you to break this apart. You are going to do the same thing on the (Indistinct) except for the multiple-choice questions you will find they give red herring and sometimes there is facts that take you in a direction that is not relevant and stay focused to what the facts are supporting and what is relevant in this case and break apart in that manner. Make sense? That is what I want you to focus on itself.

Let's go through the actual answers and you noticed Angela, Brian and Carter is the order of my call and I have to take it in that order and the first thing we see in the first sentence defense. Carter suggesting and Carter is first one that did anything and he is (Indistinct) my call and that is why it is important the to outline as well. Guess what I have to take in order of the call of the question and I think they do it on purpose because it messes with you and makes it more difficult to follow along and I think we do it on purpose.

With Angela being the first party in my call. The first thing I could possibly bring up is my actual conspiracy. Right? I would start off with state verses Angela and my outline with the conspiracy. Show agreement. Two or more. And I need to show the unlawful act.

Again, Angela, Brian and Carter at the house and wanted to order pizza and didn't have enough money and Carter suggest and had pursuant to Brian's request she call and had that supports the agreement right there. Now the one thing I want you to be thinking of and this is how you can always go back in the outline and break apart who am I charging with conspiracy? Angela. Brian and Carter. But I am talking about it under the state verses Angela and what that means is I want to do a good job here because I want to steal it. I don't want to talk about it under each call it will kill time wise. Do a strong job showing the actions are in agreement. Two or more and unlawful act to grab the pizza without paying which is a larceny. Hit the agreement and that is your point value.

What did Angela do next? Well, remember if you show definitely with absolute certainty or even if it is a grey area, you convicted someone of a crime you need to bring up moral defenses. You don't want to save until the end. Why? Because two reasons one the reader doesn't know this could be argued as a defense to conspiracy and they are second guessing you and two some defenses don't work for a certain crime. If you save all to the end then again you are probably not communicating properly to the reader and that is ta problem.

I want to lay it out for them. I will talk about now my issues in regards to defenses and the first obvious one is intoxication and intoxication I should say voluntary intoxication is defense to specific intent crimes. Which conspiracy and larceny are specific intent crimes and since they are drinking and make an argument, I was so intoxicated and didn't know what I was doing and then have you a counterargument you are aware you done have money to pay for the pizza and able to dial the phone and call the pizza parlor and request a pizza?

Based on the facts I am going to argue intoxication is not a defense for her and I will go to diminished capacity. Again, the call says defenses. So, I know I am looking for two or more. Whenever I see again intoxication, I know I am going to talk about the issue in diminished capacity and they never tell the jurisdiction they go hand in hand. Diminished capacity diminished you are not aware of what you are doing. Drinking diminished. Did it negate specific. You decide to order the pizza knowing you didn't have enough money to pay for it. Not a valid defense.

You see how I have to break apart in regards to my discussion for diminished capacity and intoxication and I talk about it after each crime I find liability for and guilt for. That is important.

Next what do I see? Well Angela didn't do at that point, did she? I and go back and look at the facts and say at this point I can't charge with Carter’s solicitation. Order the pizza and goes to the conspiracy and next fact I see pull out a gun and shot at the car. Attempt. Attempt say and discuss it what? In fraud and not on her she didn't do the crime. Imputing on her is through the Pinkerton rule Angela is coconspirator. Remember as coconspirator you are liable for all crimes that are committed in furtherance which are foreseeable in a natural probable result from the conspiracy and now you have to argue and agreement was you grab the pizza and run. Could it be foreseeable in furtherance of the con spur see he pull out a gun and shoot at the persons car. Argue. I don't feel there is a right or wrong answer and you can go either way. Not foreseeable. Same token would you do everything and anything to grab the pizza. What is the difference between taking the fist and hitting them to get it verses shoot ng the car? It is up to you and arguable. And look to both sites.

Next, I would have the talk about the robbery. Why? Because again he had the gun and was equivalent to a robbery verses a larceny. Facts are great did you obtain the pizza by force fear and intimidation. We agreed today grab the pizza and run. Could you see him using some type of force to obtain the pizza and answer is, yes? If they find not a robbery and larceny and argue the same thing. Larceny is a lesser included defense of robbery and you can't convict of both it will be one or the other.

I guess I could convict of attempted robbery and larceny at that point. Right? But again, I don't see that based on these facts. With Angela last thing I talk about is receiving stolen property and when Brian and Carter grab the pizza and went back to the house and sat down and ate it, she is fully aware they don’t have money to pay for it. Remember with receiving stolen property it is subjective and not objective. Subjective. Your mind set. Belief.

Subjectively Angela knew the pizza was stolen she was aware they had no money and aware subjectively and therefore what? She will be charged with receiving stolen property.

As you can see based on this question what made it odd? Put her first. Not very nice but did it on purpose and that is why we are going to outline and outsmart the examiners. We are not going to let that bother us.

If you physically grab the pizza and the request is if you grab the pizza from the person without a weapon is that liable or larceny. Depends on the facts. If I go to the person and they feel intimidated and I, can you grab it I can argue it is a robbery. Depends on the facts. If they tell you that the delivery person pulled up in the vehicle and you ran and grabbed the pizza out of the back and fled, I am going with larceny. It is always going to be the 1 or 2 extra words they put in there of which way you are going to jump and that is a good question. Factual that changes everything.

If I told you this, they grab out of the delivery persons vehicle and fled I wouldn't think of robbery. Depends on the actual facts itself. That is important and that dictates.

There is a multistate out there where the person snatched a purse. And got his foot on the basket of a bike and his foot got caught in the spokes and that was subsequent and the fact it was the back of the bike. Wasn't force, fear, or intimidation and the facts are going to direct you. That is why it is important and I harp on you breaking it apart and dissecting it so you will pick that up.

If I look at it as a whole, I will miss it. If you write a fact by paragraphs, I guarantee you miss 2, 3, 4, 5 issues easily. We all would and that is why you have to break it apart. Any questions in regards to the state verses Angela?

Next sate verses Brian and supra. It should be supra in regards to conspiracy and you should have had did a strong excellent job. Remind you this is an outline and in regards to defenses supra. And the added defense I have here is duress.

Remember under coercion. Under threat. Right? It has to be imminent threat. Don't forget that. And against you or a loved one and have one with fluffy the cat. Some people are animal lovers and I would make that argument. Right? That could put you under duress and act in a way you don't normally act.

Again, Brian realized Carter had a gun and he was shocked and couldn't move until the gun was aimed at him. Then he was asked again to grab the pizza and go. I can argue based upon Brian's actions he was coerced be but what did do you do after you grab the pizza? He went back to Angela's house. Okay. Again, at that point you can argue in the defense tort there. The guy has a gun. And then he sat down and ate the pizza. If you are fearful, would you even eat it? Right. Again, it is all about the facts. All about the facts.

In regards to Brian what else did he do? He is the one that what? He is the one that grabbed the pizza and I will argue larceny against him. Necessary sense he grabbed and had run even though under duress. And of course, I can steal it for state verses carter and then do the intoxication and diminished capacity again. Everybody sees that with state verses Brian.

The last one which is the heavy hitter is who? State verses Carter and that is the heavy hitter. Probably because they want me to (Indistinct).

Now with solicitation that is a separate charge for state verses carter and you could not charge Angela or Brian and only charge Carter because he is the one that solicited. General rule is you can only charge one person for the same act. Right?

Even with prostitution we charge solicitation and can't charge the prostitute for solicitation unless she solicited. If John says how much he is solicitor and she is charged with prostitution. Solicitation is inducement of another committing an unlawful act. At the house and drinking and no money and suggest grabbing without paying for it. (Indistinct).

You will see with intoxication. Voluntary and diminished capacity I will supra back. You should have had done a good job under Angela you don't have to reoutline it and in regards to the discussion of him. You can talk about and depends if you talk about to Brian the discussion of attempted murder. Robbery and larceny. If you talk about that which looks like my IT guy didn't get it on the slides.

If you talk about under state verses Brian it could go either place. Under state verses Brian and you prove the underlining crime. He is the one who grabbed it had pizza you could have done that and supra here and done the same thing with the robbery and you could have not talked about the attempt because Brian is not the one that shot the gun and that should be under Carter and how you are impeding everything on Brian is for Pinkerton's for the acts he didn't do. I would need Pinkerton's for the attempted murder for sure. Okay?

Member solicitation is a separate defense here and can merge with underlining defense and merge with the robbery and larceny and it is something you can bring up and point to reader. Why? It says can easily be charged if the call changed on and you asked you can it be convicted of, I will bring up solicitation and mention how it merges and no it cannot be convicted of. Too many facts I would raise it and go forward from there.

Let's look at the actual answer before I do that any questions on the outlining remember I told you in regards to the outlining what? You can outline in the virtual outline paper they give you or you can start your answer and do an outline format and then go back and make it complete sentence. That is something I want you to Play with that is going to help with your time and if I am outlining and can use the outline, I don't feel I am wasting my time.

We want to know about (Indistinct) before exam day. It is something to implement and determine what is going to work verses what is not. Let's look at the model answer. Again, don't write out the call of the question and start out with state verses Angela and I write out the call so you know where I am at. First issue is conspiracy and I have it outline and had agreement two or more unlawful act and now I can make it into a coherent sentence. Conspiracy between two or more to commit unlawful act and putting the filler. That is why I suggest if it works for you to outline in the actual answer and go back and then make it in the sentence structure.

Factualize again Angela Brian and Carter at Angela's house and wanted to order pizza and knew they didn't have enough money and Carter suggested that they order the pizza and grab it from the pizza delivery person. There is an agreement between Angela, Brian and Carter and you can see based on the facts that element is my hitter. That is ta one I need to let the reader know and I understand this is the one that has the questionable as to whether the agreement is there. Argue a little hard harder. Right?

Two or here more you got it. Angela Brian and Carter and unlawful act. Larceny. You can see based on the facts and that is importance in why I pull it out for you guys is to understand where the point value? Not at the beginning of the exam. Never. You write a strong perfect exam for the first page and a half. Perfect. Strong rules and good headnotes and reader knows you are following the call and where you are at. But when I get near the end of the exam and start to run out of time I will know where my point value is. If I have less than 30‑seconds to write this conspiracy at the end of the exam. I am going to hit the agreement. Because I can tell based on the facts that is where my points are. Right? That is why it is important and how you know too is by your outlining. Because you are pulling out the facts to match it to the elements and that will help p you as well.

Next, again, after I can't stress enough. After you find that you convict a party of a crime. Or it is great to go either way. You need to bring up applicable defense unless the call dictated otherwise. Sometime it is call might be one what crime if any can be convicted of and call two what defenses and you follow the call and defenses must go in call number two this particular exam it is generic and I want the to do after each place it is applicable so the reader knows I know it goes there and it is an argument or defense that can be argued.

Intoxication remember there is a difference between voluntary in intoxication and involuntary. Voluntary you are drinking on your own and involuntary someone gives you something you are not aware of. That is involuntary intoxication. In this case we are going to argue voluntary and remember it negates specific intent. That is good MBE information. Negates specific intent but based on the facts are you aware of what you are doing. If you are able to tell you have no money and able to dial a phone number. I am going to argue you are aware of what you are doing. We will not negate the specific to commit the crime. Therefore, it is no defense.

Again, I told you when you see intoxication look for diminished capacity and they have a relationship and diminished you don't understand what is right or wrong. Negate that specific intent. They knew they had no money and want today order the pizza and grab without paying for it. Based on the specific facts the capacity is not so diminished to negate the specific intent therefore she is guilty of the conspiracy.

Next, I take in order of the fact pattern and shot in the delivery persons vehicle and that is attempt and I will talk about it under state verses Carter. But I am imputuating onto her through the Pinkerton rule. As a coconspirator you can be liable for the natural probable what is foreseeable based on agreement and you have to argue both sides because the gun was a surprise. The fact stated we agreed to grab the pizza and not pay for it. The fact he has a gun and we have a problem and that means he had it all of the time. Angela will she be charged with attempt or not. And I put attempt. And therefore, she is not charged with attempted murder. Reader knows I have to address that and not going to put under the call she didn't do the acts. If you put under this, call a couple of things it is hard to talk about. Bringing up attempted murder under lang with what Carter did and going through the Pinkerton rule and arguing foreseeable and probable natural result of her agreement and it is a way to write. And get to Carter supra. That is not the best.

Also regards to the robbery and talking about it again as a coconspirator and I think this one is stronger where you could argue and you are going to discuss infra. Grabbing a pizza using force and larceny is a dead given. And see the facts and I would argue both sides. Again, since the call said what? Reasonably charged I have to bring it up. If it said convicted might change the story and of course receiving stolen property. Subjective intent. Fully aware and she is guilty of receiving stolen property.

Would I bring up receiving stolen property from Brian or Carter no. You might be able to bring against Brian but not against Carter.

That is my first lawsuit and next I will go to the next one in regards to state verses Brian and conspiracy if you did a good job above you got to feel it. Define and discuss supra. Intoxication define and discuss supra. Diminished capacity defines and discuss supra and go back and look at the argument because it is it is same. Other way you could do it if you put define and discuss supra you can do one sentence if you want to if you have time as well as discussed since he was drinking like Angela, he did negate the specific intent and both ways are the correct way to do it. Sometimes what I call a pleasantry you can do. If it is killing my time no way it is about and getting the issues ins there and the time.

In regards to attempted murder again coconspirator. Pinkerton. Angela. I can steal from that. And as for the robbery. Same argument. Natural. Probable. Foreseeable? Or if you feel Brian is the one that committed the robbery you have a robbery here and again, we can write a couple of different ways as long as we stick to what? How we see based on the facts and break it apart and of course the issue regards to larceny. Difference between Angela and Brian is duress arguments remember I told you earlier on if you see three parties. Something is up and it can't be the same. Otherwise, why wouldn't I have state verses Angela, Brian and Carter? Because there is something different amongst them.

As to Angela and Brian similar Carter did most of the acts and main thing is duress here and I know I am seeing the issues I am supposed to see and based on dur reses you have to be under coercion of threat. Facts basically to support this is he was shocked. Fact he is shocked and of course when turned the gun and aimed it at him he said grab the pizza and did so. Did he succumb or coerced or under threat and that is the argument? And again, Brian’s actions aren't can't with him being under threat or coerced. He grabbed the pizza and fled and went back to Angela’s and they sat down and had pizza together.

Seems to me he was stun and had shocked momentarily. He was surprised he had a gun. Again, he got refocus and had known what was going on and understood his actions and grabbed a pizza I find no defense. Could you find it to work as a defense if you argue the fact ins a different way? Absolutely. I don't think there is a yes or a no. It is a gray area. Because, again, if I really was under duress would I act like I am going along with you because I am fearful of the gun? Arguable. We see things differently and that is okay key thing is you support the facts. As long as you understand what you are arguing and support it you are fine. You don't want to always make it fit if it doesn't work for you. It shows in the writing.

Next you have in regard it is to defenses supra. Tight on time. Pinkerton liability. Supra as much as I can. Running out of time. State verses Carter. What is different? The solicitations number one. Angela and Carter at the house. He suggested to take the pizza without paying for it shows sports he is inducing to commit an unlawful act. Larceny and voluntary intoxication supra. And what is different with him? Attempted murder and attempted murder I are looking at students’ exams on the baby bar. Most people see this and t know what to do with it. Looking at the exams I looked at and graded this was a bonus point. People didn't see and it I want you to question why do I care he pull out a gun and shot it in the delivery persons vehicle why are they telling me that? That is a question in itself. The question to ask is their potential of an issue here. Run through the checklist. What make as good student. Not that I see automatically. Using the tools and picking up an issue or two by following the checklist and it makes a difference.

Other thing in regards to attempted murder remember you need to focus on the elements of intent. Specific intent. Substantial step. Apparent‑ability. Preparation verses perpetration. Do not bring up the murder. That is a no. It is as waste of time. It is an attempt crime. The fact he pulled out a gun and fired in the delivery persons vehicle showed he had specific intent. He had a gun and had apparent‑ability and filed in the vehicle and shows a substantial step and Carter is going to come back and say I was intimidating letting the delivery person know I am and going to take the pizza by force and I am getting the pizza. It could go either way. You could find he is guilty for attempted murder or find he is not guilty for attempted murder. Up the to you and it is based upon the what? Underlying facts.

Then you have to go through differently the robbery and again fled with the pizza once firing the gun at the delivery person vehicle. Ran away. Taking and carrying an I way. Pizza belonged to the pizza parlor. Had the gun and instilled fear in the delivery person. (Indistinct) specific intent. Based on the facts I have a robbery and your intoxication and diminished capacity you should supra back.

That is this crim law question. Does anybody before I go through more comments have any questions in regard to this particular question. A couple of mistake ins people e‑mailing or asking about the question were the one exam I did. C. First you want to look to Angela and why she is in the call first. It is based upon the call of the question. Other big thing that people need to understood is how can you hold Angela liable for Brian or Carters acts. I am telling you guys that the Pinkerton rule is very important and you need to make sure I am sure because you are typing in there it is spelled correctly.

Your Pinkerton rule does come up on every examination and highly testable. It is capitol Pinkerton's. Okay? With Pinkerton's remember natural probable result. Foreseeable that is the argument you are going to argue and look to the underlining facts. It is not had a gun. It is broader than that. If it is foreseeable and you agree to grab a Pete ta is a that force could be used to get the pizza and that is how broad. Doesn't have to be specific to the underlining act he did. Is it foreseeable? Again, I used force to obtain the pizza the answer ss yes. Is it foreseeable that I would steal a car in order to get away? Maybe we are getting too broad. Look to the underlying facts to itself. Other thing people bring up with conspiracy is accessory. Accomplice. T no.

If you have the agreement, you got the conspiracy and only way you bring up accomplice liability ss if the conspiracy absolutely fail and had you don't want to bring up the accomplice. Issue of conspiracy because of the agreement. You find when it is an actual crime or gray area do your defenses. The call said defenses two or more.

We did have multiple defenses in the exam. We had intoxication. Diminished capacity for Angela. We had Pinkerton's rule for Brian and argue to whether or not this is reasonably foreseeable based on the gun as well as duress and intoxication and diminished capacity for carter and I answered the call and did I see crime I did. Robbery. Larceny. Attempt. Conspiracy. Solicitation. I answer the call and I know I answer the call of the question. That is important if you don't answer it is call you are toast. Anybody have any questions on this question?

At this point we have done torts. Contracts and crim law. It is hard the believe this has flown by. What is going to happen now? A couple of things. Now the gloves come off and it is time to start working on all three subjects. I need you to start working on multiple choice questions daily. If you work which some of us do full time it is hard. I get it. Take with you and do on a break. Do 5 or 10 and you get home do another 5 or 10 that is important. If you, don't you are not going to get stronger in regards to the ability of breaking apart. That is important and then you need to start issues spotting exams and look at exams and go to Taft's web site and student prior bar questions and there is 24 questions and I believe there are six sets of questions from the past. And of course, there is other baby bar with student answers from the bar itself. We have plenty of questions if you run out let me know. You start to push the E classes based on the subjects. You want to get this down.

What I recommend is I go through the checklist and I make sure I have an example of how this con accept is tested. Prime example in regards to the conspiracy how do I see the agreement tested. I remember Angela Brian and Carter and wasn't an express agreement but by the conduct. Calling and Brian having to pick up the phone and telling her to call the pizza parlor.

I want an example for everything. (Indistinct) robbery. He had a gun and wasn't quite clear but I would bring up the issue and I see how it can come up with force, fear, intimidation and go through the checklist and make sure you can plug in whether an essay or multiple-choice question of how you see the concept test and had that is important and what is going to help you.

At this point siting and reading outline on minimizing loss is not going to help you. If you are consistent with your rules they will come. Start reading answers and practice the multiple-choice questions. Why m an I not seeing or missing this question and I said I always miss murder two of involuntary intoxication. It was factual. I missed the why but never again and correct your mistakes and, on the weekends, hopefully you have more time to sit down and write the exams and what I would do is simulate what you are going to do on baby bar day. The essays are given in the morning and take a five‑minute break and do two and then three. I need to have the Sam na. of having the brain on for 4 to 5‑hour it is to take the essay questions and have your lunch. Which will be late. Right? And then sit there for what? Fifty multiple choice questions 90 minutes and I got to be on and I don't know if they give the multi‑states in the half of the day on purpose. Why?

Well, you just had lunch. Tired and fatigue and had you have to be with careful what you eat. You got to be on and your mind set has to be on and that is important and you want to start doing simulator. And you have a couple of weeks the to go through and do a couple of simulators itself. And that is important.

At this point tomorrow you will be sent out the last baby bar. And most current which is October. And I would like to you to outline and gain ideas to what the issues are. The more I can get you to understand in regards of how they test the concepts and how that come us up. It is going to help you. And I noticed in the history of the baby bar sometime it is issues come right back and students are upset saying I should have looked at you. You should have. What does that mean? You should be prepared for the special requirements. That is important. Any questions?

If you have questions during the preparation shoot me an e‑mail at jolly dot Taft U dot EDU and I am more than happy to help in any way that I can and I hope you are getting your studying down and focused and this is the time to focus, get into focus mode and make this happen. Okay? Any questions before I say good night?

Okay if anything comes up you know where you are at and I wish you a best rest of the night and look forward to seeing you next week to go over the most current baby bar exam questions. Good night.