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| **Taft Law School** |
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>>: Good evening. We will be starting in three minutes. Thank you. Welcome. We will be starting in one minute. If you could let me know if you can hear me loud and clear, I will use this as my sound check.

We will be starting in one minute. Thank you. Welcome to our baby bar review series. I want to point out that these sessions are recorded. Anything we do have as a handout will be posted here on the website.

Welcome. I assume you are preparing for the baby bar exam in June. We will spend a little time on how to take a multiple-choice question. It will be conducted online. You don't have the piece of paper to figure out your answer. You have to break it apart in your mind to come up with the right answer choice.

It is a task. Something you can learn to help yourself. Highlight the facts. By highlighting, it will keep it in your mind set as well. Torts, contracts, UCC, and criminal law. Almost four subjects. They consider it three. UCC is part of the baby bar. I would recommend to get to know what it is under the UCC terms. It is a little more generic.

Something they test on the multiple choice questions and essay questions. Regards to torts. Torts on the multiple choice questions is more direct. It goes to the actual elements of the tort. You look to your black letter law. In saying that, one thing students need to understand that if you see a fact pattern and it is a battery, you have to break apart those elements and make sure the battery support is their intent.

Was there harmful touching? Was it of another? For some reason, we don't always do that. On an essay we will. Multiple choice, we have a tendency to keep it as a comp battery. You need to break it apart. Contracts is more demanding. will be a long fact pattern. I find my checklist helpful. You cannot take it out of order.

Torts can be a negligence issue. I could go into my checklist. Does a UCC apply in no. Was there preliminary negotiation? I have to start with offer. Acceptance? Yes. Was there consideration. How can it be a counter officer? Next, very focused on black letter law. They will mix you up with torts.

Is the call directing you to a civil action or criminal action? The call will dictate. They will have an answer there. If the call says what crime can Joe be changed. Battery. Assault. I am not sure. It is a gray area. You look at I am applying tort law and not criminal law. That could change your full answer choice. You need to pay attention.

Criminal law multiple choice questions are one of the lowest for most students. It is not a difficult subject. That is because we don't pay attention to the question. Multistates. Four options. Mixed. They are mixed. It will rotate. Multiple choice are worth the same point value.

If you are running out of time, bubble something. A multiple choice question is comprised of three. Fact pattern. Stem. And options. The answer choice. You need to read the facts very carefully. We rush. I have to get to the finish line. I don't want to take this exam again.

We have to break it apart sentence by sentence. Fact pattern turns on the facts. How do you read a multiple choice question? You want to start with the call of the question. The stem. That will dictate in regards to direction of where to go.

In regards to reading the call, it will do several things for you. Can give you an area being tested. Can Joe be guilty of burglary. If it is a general call what tort liability? There is a difference. That is important and will help you and nail things down for you. That is important. You are ready to read the underlining facts. After you read the fact pattern, since you don't have a hard piece of paper, you will mark it up with highlighting.

Highlight the fact pattern. That will give you an idea. Read the facts. Mark them up. When you go through the exam, narrow down the specific issues. What is truly being tested in and of itself.

The issues regarding burglary. What is being tested? Did he have the intent to commit a felony? You will look at the facts and make sure that is the issue being tested. What is the best answer choice you are looking at the best answer choice. That is important. Two correct answers. One is always better than the other.

You see it is contracts. You will take your contract checklist in order. Start from point A. Is there UCC? Was there merchants? Was there an offer. Break that apart. That will narrow you down to what is being tested and the best answer choice. Very important. Sit criminal law. What are the facts supporting? It is important to understand the call of the question. Why?

Crimes can the defendant be charged versus what crimes can the defendant be convicted. Charged means it may not stick. He could be charged with conspiracy and burglary. Versus which crimes could he be charged. Solicitation merges. I am back to conspiracy.

If I use the felony murder rule, for the homicide, that can support a different answer. What is being tested? Break it apart. Products liability. One issue I had with them is you didn't have a category of products. We can have negligence. Strict liable in tort. There is more than one theory. If the call the question tells you as to what theories, you will dictate based on this. Definitely argue negligence. Versus if they ask you for the best theory. Narrowed it down to one. I need to understand what they are asking. I would have to look to the facts. It would probably be strict liability and tort. I practice. The more you understand how they test the concept and see how the concepts are tested, they can't trick you anymore.

I know these three theories are always there. General rules. Don't assume facts I always tell people, life is simple.

We make it complicated. Keep it simple. Don't make it complicated. Don't make it harder than what it is. If there are multiple interpretations, take the simplistic route. Look for the facts. If you see a statue, break it apart. It is a rule we know. Murder can be shown by express malice. I need to break it apart.

If a question is specific, make sure you are answering the call. What is the best offense? I usually rewrite these and say what is the only way I am getting you off? I will look at the facts. Which claim will succeed? The more I understand it, the better off I will do. I have a few examples to look at.

In the state of X, an assault is defined. It is defined as an attempt to commit a battery. That is the definition of assault. We all know what attempt is. Specific intent. These are all key things.

Pete dropped his cell phone. He hit Mary who was jogging down main street. Before we read the answer choices, we need to show specific intent. It is negligent. I know he is not guilty. That is a conclusion we will come back to. If you ever find a conclusion, get rid of it.

I will automatically get rid of option A. I only have to read C and D. That will help you. Speed up your time. Ace is guilty because he caused apprehension in Mary. I don't see apprehension as an element. B. He should of been aware of others around him. He had no intent to touch Mary.

D. He didn't intend to touch Mary. That is true as well. C and D are actually both correct answers. What is the best answer choice? C. Why? It has that element. He had no attempt. It negates specific intent by that term. D is statement of fact.

If you can find the legally correct versus factually correct. Maybe there is no legally correct answer to pick from. When you have the option between legally and factually, legally is always the best answer choice.

I will keep pointing this stuff out. What is the purpose of the slide. Understand when you have guilty since. Those are conclusions. I should be able to eliminate two answer choices and focus on the two I did not eliminate. That will help with timing.

When you see a question with if. Liable if. Everything after the if must be true. Everything has to be true. I don't find those two hard as long as I pay attention. If you have an answer choice using unless, different, rewrite it to an I have question.

It doesn't compute. It is like a double negative. Guilty unless. You are really saying not guilty. It doesn't always register. What you will do is say guilty unless. Cross it off. Put not guilty if. Read the rest of the facts to see if it makes the answer true. If it says not guilty, cross that out. Put guilty if. Make sure everything after is true.

When you see a question with the unless with a modifier, before you dismiss it, dissect it. They added facts. Yes unless. He had to specific intent. The fact pattern gave it to him. You just took it back. You have to pay attention to those questions. Very important. Here is another multiple choice question.

You are able to dissect and break things apart. Did this call tell me anything? Yes, it did. It told me it is a civil action. The way it says asserts the claim. It is torts. It gave me the issue. Misrepresentation. What do I need from misrepresentation. Intentional misrepresentation of material fact. It could be negligent. You should of known. You still have to rely on it. The main difference is you knew with the actual intent of you should of known.

I understand the call. I am ready to read the question. Tammy is a chemical engineer. No interest or connection with Chemco. She notices Chemco's most recently issued financial statement listed as part of the assets of special chemical compound. The stock is selling for $5. She would have knowledge regarding this compound. They are listing the cost of $100,000.

If the true value was known, stock would be selling for $30. If we knew the true value, it would be 30. Tammy approaches Sam and offers him $6 a share. Same asserts the claim. Will Sam prevail? What do I need? Did Tammy know or should of known? Did she make a false representation? She didn't make a representation.

Sam couldn't rely. Will Sam prevail? Got to read it. No unless. Got to cross it off and put yes if. The facts could change. I feel he is not going to prevail. The only chance is what? Based on the misrepresentation, will Sam prevail? We need to go through the elements. A false representation. I don't see one. I know he is not correct. Let us look at B. Yes. If. Everything after that if must be absolutely true.

Question if Tammy didn't inform Sam of the true value of the inventory. When is Tammy responsible to inform Sam? If she was connected. We know B is incorrect. Let us look at C. No unless Tammy told Sam the stock was not worth more than $6 a share. She knew the true value. C looks good. Everything after the if must be true. If it was available to Sam, he should of known the true value.

Did she make a misrepresentation? The asset is listed at $100,000. C has to be the best answer choice. It is very important you break apart the tort and see, not only what elements I am looking for but what element is being tested here. Did she make a representation? An omission. The same thing as a misstatement. You knew something you should of disclosed.

No relationship. We know C has to be the best answer choice. Reading what they are asking. Let us look at the call. Action for false imprisonment. I know it is tort. Tillie Taylor was a member of the Children of the Earth. Raj Reel knew she was a paranoid schizophrenic. Tillie Taylor fled the commune and returned to her parents’ home.

After unsuccessfully trying to lure her back. He decided to imply a last-ditch effort. Raj Reel had the billboard to read Tillie Taylor the Children of the Earth of the earth want you back. She had a nervous breakdown. She will most likely. Recover since. Not recover since. These are conclusions. We should be able to get rid of two without reading them. How many things she should be able to recover is this. You need intent. Look at the facts. Do we have intent? He wants her to get out of the house.

Was there a physical aspect? She wouldn't leave the house. His intent is to get her out. He doesn't have the intent to make her stay. I feel she will not recover. A says recover since the confinement resulted from the threat of the bulletin board. Is that enough? It is just a statement? We knew he had no intent. That is a good answer choice. He has to have knowledge of that. Tillie Taylor was under no constraints to remain in her house. C is your best answer choice.

Will not be able to recover. You need to show the intentional confinement. We have the psychological. We don't have Raj Reel's intent. Do you see by breaking it apart, knowing what the concept is, go eliminate two answers. Go from there.

Process. We will let you do questions.

Question number one. I am hoping in your studies, you should know what that is. Dealing with breach. On November 1, 2029, Mozart entered into a contract. He was popular. Thomas knew he would pack the nightclub. On December 29th, he told Thomas he was offered more money and would not be playing.

What do you need to do? Repudiation. The contract must be in executory stages. Neither have started a performance. If one has not fully performed, contract is in executory stages. May he bring the lawsuit? B? Don't need to read it. C. Yes because. D. Yes because. Those are the two options I will read.

Yes because he repudiated the contract. I will still read D. Does that have anything to do with repudiation? No. You repudiate the contract. It must still be in executory stages. I guarantee this will show up on every exam. Bar, baby bar, midterm, final. They know students don't understand this. We always test executory. It is very simple.

Neither party started performance. If neither, it is still in executory stages. I agree to buy your car. I say not going to do it. Same issue. Is the contract an executory stages? It is still in executory stages. It is not a hard concept.

The example I just gave you. If I start a performance, I didn't fully perform, the issue is the contract in executory stages? You have to fully perform or both start. If I gave you a down payment and you detailed the car, we both start a performance.

If I just gave you down payment, it is still in executory stages. Good question. Question two. Two parties. If only one started, didn't complete, the answer is correct. Jackson's house. Take his television. He finds the door wide open. No one at home. He takes the television. The most serious crime he could be convicted of is what? What do you need? The breaking. Entering. Nighttime. And specific intent. There is no breaking. He entered.

3:30 PM. We have intent. We have several elements. There is no what? Burglary. Could there be robbery? Embezzlement? A is the best answer. You need to take the television and leave with it. The fact you intent to break and take the television. Larceny is your best answer choice. This is simplistic. These are your theft crimes.

They will test you on the elements. You need to break apart whatever theft crime you see and dissect it. If the facts don't, I am picking the wrong answer choice. A prime example. I decide to go to grocery store. I want lobster tail. I have five bucks. I see a hamburger for 4.90. I take the sticker and put it on the lobster tail. That is larceny? Larceny any by trick? Robbery? Embezzlement? You will have to look.

We see something. I did take it away. What did I do? The fact that I paid for it, that would be a prime example of false pretenses. The more I can get you to play with these, that will help you. You will narrow it down to the correct theft crimes. These are all over the multiple choice questions. They like them. We don't do well with them. It is arson. Very important.

You are responsible for the multiple choice questions for the common law. If you saw burglary, it wasn't asked. You always will answer the questions according to common law unless stated otherwise. Mel is painting his car surrounded by flammable chemicals. He falls asleep with a cigarette in his hand. It burns the garage down.

Charges with arson. What do you need for arson? The malicious burning. Not of a dwelling house. Of a structure. We are looking to a structure itself. With arson. We need to show Mel was malicious. He burnt the structure. Will we find arson? He was fooled. Negligent. Will he be convicted or acquitted?

I can get rid of A.

You need maliciousness. B says acquitted because you didn't burn down a dwelling. That would be true if testing common law. Charged with arson. C says the garage was his own property. Acquitted. That is not true under modern statutes. D says acquitted. Didn't intend to start the fire. D is your best answer choice. Let us change the call to common law.

C says acquitted because it was his on property. D says didn't intend to start the fire. B, C, and D are all correct. You need the maliciousness. Burning of a dwelling of another. B and C is correct. So is D. How do I know the best answer choice? Take it in the hierarchy of the rule. Go back to your hierarchy.

Better answer choice then a defense. Take it in the hierarchy. Maliciousness. Let us look at question number four. A man went into a high school and took an unintended backpack. He accidentally hit and killed a student who ran out from behind a parked car. Is he guilty of murder? We have to break things apart.

What do you need to show? Malice. What do we think they are testing? I don't see intent to kill. I don't see intent to cause great bodily harm. The student ran out from behind a parked car. He is in the commission of fleeing from taking an unintended backpack. Is he still within a dangerous felony? You are going down for it if so. He is taking an unintended backpack. It is not a dangerous felony.

I can get rid of C and D. The only way I can make an argument would be intent to call it a felony. A says the man didn't intend to hit the student. B say no. That looks pretty good. C and D. Yes because the man killed a student while leaving a crime scene. When you went through murder, that doesn't fit.

If you think of manslaughter, they have to tell me. For question number four, B is your only option. Remember you should be able to eliminate what? Two answer choices off the bat. Question five. If Liz asserts a claim against Wong for the injuries from the fall, she will most likely. Liz and her boyfriend Lucas were having dinner at Golden Dragon Restaurant.

Liz fell on an egg roll. Her head struck a serving tray. It caused her to suffer a concussion. Although he could of done so, he didn't warm Liz. If she asserts a claim against Wong for the injury she suffered, she will most likely... what are they testing?

She is what is this an invitee. The owner has a duty to inspect, correct. Will she recover or not? I feel she will not recover. Recover because, recover if. C not recover unless. That is recover if. D says not recover if. We have to read B, C, and D.

A says recover. As the owner, you have to know about it. If they told you it was on the floor and stepped on 100 times, that means you should of known. A is not a good answer. B says recover if it was on the egg roll for a substantial period of time. That looks good. You should of discovered it. You didn't. You fell below the standard of care. Not recover unless. You will cross that off and put recover if Wong knew the egg roll was on the floor. That is a strong answer.

You knew. Why would I not pick that as the answer choice? That goes more to intent. I don't need to prove he had knowledge. He should of known it was on the floor. B is a better answer. D says not recover if. Not recover if Elliot was responsible. Doesn't matter.

You have a duty to make sure the premises are safe. They have that responsibility to the patrons. B is your best answer choice. Last one. This is not difficult. It is always tested. They make it more difficult. This is pretty simplistic.

Acceptance was to be no later than October 10th. Madison posted his acceptance on the 3rd of October. It arrived on October 7th. On the 4th he mailed notice of the sale. It arrived on the 6th. Which is correct? When he mailed an offer on the 1st, that means it is open until the 10th. When Madison posted it on the 3rd, we have a binding contract now.

Acceptance is effective upon dispatch. When he sold on the 4th, he is in breach. Contract was formed on October 3rd. On the 6th, it shows you are in breach of contract. If I did accept but reached out and said, I changed my mind and he said okay, and then sold it, that would nullify the acceptance. You have to pay attention to the facts.

Option A, a valid acceptance of the offer on the day of the acceptance. It can't be revoked. They already accepted it. You showed an offer. You showed the acceptance. How do you get back up? He wouldn't keep it over later than the 10th, there is no option here. Madison's acceptance was not valid.

He had notice after the fact. The acceptance took place on the third. Now that we have done these few questions, I hope it gives you a better understanding of how to eliminate answer choices. I hope you understand why it is important to read the call and answer the call of the question. Go back to the call. I hope you see here that you do need to break apart the elements of the theory. Don't look at it as a whole.

You should be able to always eliminate two answer choices. This is important. It is a timed exam. On the baby bar, you are given 100 multiple choice questions. It is conducted in lots of 50. That is a lot to go through. We get fatigued. If you miss a multiple choice question, what is important? Why? Why did I put A? If you don't figure out Y, you will miss a question again. If you start looking to why did I miss this, I didn't understand what executory meant, you will see the same concept. Different facts.

You probably say the concept tested previously somewhere but didn't know why you got the answer wrong. You didn't take the time to figure it out. That is not helping me. I picked B. I am seeing it differently. I need to figure out why. So I can get in there mind to see the concept of how I am supposed to answer the question. You can keep a notebook.

I review it once a week. We have short term memories. I go back and remember that exam. Anyone have questions at this time? Next week we will go over torts. I am not primarily here to read the definitions. I will go over the concept with you and tell you how it is tested. How does it come up? You know with battery, you don't have to have a physical touching. People don't know that. When someone blows smoke in my face, that could be equivalent? Yes. I will teach you how the concepts are tested. Certain areas they like to hit. We will know them and go through them.

We will go over another multistate lecture. I always go over the most recent baby bar exam questions. I write model answers. You have the chance to send me the essays. I would highly take advantage of it. It gives me an idea of this is how I should write it. That is important. If you have questions, shoot me an e‑mail.

More than happy to help you. If you need more practice questions, go to Taft's website. The student section. We have lots of sources. Getting your finals back, you need to e‑mail student services. They will send you the final exams. She will be happy to send them out. If you have questions, ask. In the finals, most professors don't mark on them. There are questions mirrored after the bar and baby bar exam.

If anything comes up, feel free to let me know. Thank you. Have a good night.