Bar Exam Skills & Tactics

Fall 2018 (WRI 7532) Monday & Wednesday – 9:55 a.m. – 11:10 a.m. Oakes 208

Instructor: Professor Joe Brennan Email: jbrennan@vermontlaw.edu

Office hours: 11:15 – 12:15 following class (see Office Hours below)

Office: 100 Old Schoolhouse

Things that make me Grumpy

1) Class begins at 9:55 a.m. Please be in your seat and ready to go by that time. See attendance policy below.

- 2) This is a relatively small class. Everyone is expected to be ready to participate in each class. This does not mean that I expect you to always have the right answer. I do expect you to be familiar with the reading, have an answer (even if it's wrong), and be able to carry on a discussion.
- 3) If I call on someone, only that person should be answering. If you have something to ask or add, just raise your hand.
- 4) All assignment dates are posted on TWEN and the syllabus. Make sure the assignment is turned in by the assigned time. The TWEN dropbox will close at that time and no additional submissions will be allowed. If any changes need to be made to due dates, I will announce in class, via e-mail, and on TWEN.
- 5) You are permitted to use laptops in this class. Many of you will probably take the essays on the bar on laptops. Laptops may only be used for class related tasks. Phone use is not permitted in class.
- 6) We are taking the time in class to go over this syllabus and there is important information contained here, so please take the time to read it. If you have a question about the class, check the syllabus first before asking!

Learning Outcomes

Upon successful completion of this course, students will be able to:

- 1) Demonstrate knowledge of the the structure and application process for the bar exam in your jurisdiction by completing "My Bar Exam" Information Sheet
- 2) Develop the skills to answer bar style multiple choice and essay questions through completing practice questions with feedback

- 3) Test understanding of highly tested substantive areas through completing practice questions with feedback
- 4) Create study tools that you will be able to use during bar study
- 5) Devise a plan for creating the time and structure needed to succeed on the bar exam through completion of summer calendar and review of bar prep company schedule

This course is **NOT A SUBSTITUTE FOR A COMMERCIAL BAR COURSE.** A commercial bar course requires about 600 hours of work in the 10 weeks leading up to the bar. This course is not intended to teach you all of the material you need for the bar exam. Rather, it is intended to give you a head start on bar study and give you the skills needed to take full advantage of your commercial bar prep course.

Commercial Bar Course Enrollment

Four bar prep companies table in the Chase Breezeway on Thursdays. Stop by and sign up for one of their courses. Each company often has discounts going on, so be sure to ask and negotiate! These companies often have public interest rates that many VLS students will qualify for. I will share information about the public interest rates when I get updated information for this year. When you pay for your bar prep course, you will get access to the bar prep company's materials. While these materials are not a required component of this course, they can be a handy supplement.

Course Materials

Required Texts:

Clearing the Last Hurdle, 2nd Edition, Wanda Temm (2017) – ISBN: 9781454892250. This book will be used for class instruction and many assignments will be drawn from this book. This book can be bought from the bookstore or directly from the publisher. Be sure to get the correct edition as some of the materials have changed. Notably, the new edition has more civil procedure material since civil procedure was not an MBE subject until 2014.

Strategies & Tactics for the MBE, 6th Edition, Steven Emanuel (2016) – ISBN: 9781454873129. This book contains approximately 600 additional officially licensed MBE questions. Many of the questions and explanations for multiple choice problems will be taken from this book. Some copies may be available used online, however be sure you are getting the correct edition. Prior editions do not have any Civil Procedure questions since that was just added to the MBE in 2014.

Additional Materials:

Additional materials are posted on TWEN. I created lessons for the online version of this class, and all of those materials are also available to you on TWEN. Videos explaining the rules for all MBE homework assignments and MBE quizzes are also on TWEN. You will get access to these videos when you upload your answers and autopsy sheets. Classes will be recorded and posted to TWEN. You will have access to these during the semester and during bar study. Listening to recordings is not a substitute for class attendance. The TWEN page for this class is "Bar Exam Skills & Tactics (BEST) FALL 2018".

Recommended Materials:

Critical Pass Cards: https://criticalpass.com. These flash cards are a great study tool, especially if you are a visual learner. They contain black letter law for the 7 MBE subjects and space for you to take additional notes. I highly recommend them. If you get them now, you can start to compile additional rules from this class on the cards for your use during bar study.

Lean Sheets: http://www.leansheets.com. These outlines are also a great study tool. They contain black letter law in condensed format for all UBE subjects.

Commercial Bare Prep Company Materials: As soon as you pay for your commercial bar prep course, you will get access to many of those course materials. Those materials are not required for this course, but you can use them as a supplement.

Office Hours

I will hold office hours from 11:15 – 12:15 following each class. I am also available to meet by appointment. You can schedule an appointment by contacting Katrina Munyon (kmunyon@vermontlaw.edu). From time to time I may need to adjust office hours due to conflicts. If that occurs, I will advise you of the updated times as soon as possible.

Grading

This is a high pass/pass/low pass/fail course. Half of your grade is based on completing assignments throughout the course in a manner satisfactory to the professor. The assignments making up this part of your grade are:

- 1) One (1) 30 minute meeting with the professor in lieu of class
- 2) Three (3) In-Class Multiple-Choice Quizzes

- 3) Three (3) Autopsy Sheets for In-Class Multiple Choice Quizzes
- 4) Three (3) In-Class Essay Quizzes
- 5) One (1) In-Class MPT Quiz
- 6) One (1) My Bar Exam Information Sheet
- 7) One (1) Your Bar Exam State Poll
- 8) Eight (8) Homework Multiple-Choice Practice Sets
- 9) Seven (7) Autopsy Sheets for Homework Multiple-Choice Practice Sets
- 10) One (1) Homework Essay
- 11) One (1) In-Class Essay
- 12) One (1) Homework MPT
- 13) One (1) Bar Study Calendar
- 14) Complete all reading assignments prior to class and be prepared to participate in class
- 15) Any other assignments that the professor determines necessary

The other half of your grade is based on a final exam. The final exam will consist of 34 multiple-choice questions. *I will only use questions that you have already seen on a quiz or homework assignment on the final.* On the bar exam, you will have 1 hour to complete 34 questions. For this final exam, I will give you 2 hours.

All assignments are due by the date on the syllabus or TWEN unless you are otherwise told by me. Usually homework assignments are due at 5 p.m. or 11:59 p.m. the day prior to class. Quizzes and other assignments completed in class are usually due by 11:59 p.m. of the day of class. If any of these assignments are not completed by the assigned time (or are completed in a manner not satisfactory to the professor), it is at the professor's discretion to determine if and how the student can make up the required work. Additionally, all students must comply with the attendance policy below and be ready and prepared to participate in each class. Quality of work, timeliness of all work, class participation, and attendance will all be factored in determining your grade for the course.

Attendance Policy¹

Attendance is mandatory for this class. A student will be counted as absent if he/she is not present within 10 minutes of the scheduled start time of the class. A student will be considered late if he/she arrives to class after attendance is taken, but prior to 10 minutes after the scheduled start time of class. If you are late twice, that counts as one absence. If a student misses more than 5 classes, that student will fail the course due to absence. The professor reserves the right to

¹ See Academic Regulations II(A)(1). This statement constitutes the notice required by Regulation II(A)(1)(b).

award positive or negative class participation points based on timely class attendance and participation. You will be responsible for all material covered in any class you miss and may be required to complete make-up work at the professor's discretion.

Absences resulting from serious illness, religious observance, and/or significant personal emergency may be considered excused if you give notice prior to the class you must miss. However, prior notice of an absence does not automatically qualify your absence as "excused." This will be assessed on a case by case basis and will only be granted in extraordinary circumstances. The presumption is that an absence will not be excused and will count to one of your 5 permitted unexcused absences. Examples of circumstances that may warrant an excused absence are hospitalization, death in the family, or the like.

Weather

If the school is closed, class is cancelled for that day and will be rescheduled. If the school is open, but travel is not safe from where you are coming, exercise your discretion. If you are not able to attend due to weather, inform the professor as soon as possible. Again, prior notice of an absence due to weather does not automatically qualify your absence as "excused" and will be assessed on a case by case basis. It is situations like this that we have the 5 permitted unexcused absences

Syllabus

The professor reserves the right to amend or change this syllabus at any time as needed throughout the semester. The syllabus is a helpful guide intended to give you an overview of the course, but is subject to be changed or supplemented at the professor's discretion. Please take the time to read and review this syllabus in detail.

Course Overview

Below is a general course overview. Please note that because each class goes at its own pace, the exact timing is likely to change as needed. However, to help you with your semester planning, this overview will hopefully give you a general idea of what we'll cover together and the order in which we'll cover it. I will distribute updates to this overview as needed.

CLASS	DATE	HOMEWORK DUE PRIOR*	COVERED IN CLASS
1	8/27/18	- Read Temm Chapters 1 –	- Syllabus
		3	- Structure of bar exam
		- Read Emmanuel "About	
		the MBE" pages ix-xvii	
		- Submit completed My	
		Bar Exam Information	
		Sheet (can be	
		downloaded on TWEN)	
		to TWEN – Due 8/26/18	
		at 5 pm	
		- Complete Your Bar	
		Exam State Poll under	
		Customized Polling on	
		TWEN – Due 8/26/18 at	
		5 pm	
2	8/29/18	- Read Temm Chapter 6	- MBE Skills and Tactics
2	8/29/18	(MBE Skills)	- MBE Diagnostic
		- Read Emmanuel "How to	Worksheet
		Attack the MBE" pages	- Creating bar exam study
		xxii-xlvi	materials
		- Read MBE Skills	
		Handout on TWEN	
		- Submit answers to	
		MBE Sample Test	
		Questions (Questions	
		can be downloaded	
		from TWEN) on TWEN	
		- Due 8/28/18 at 11:59	
		pm	
		h	

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3	9/5/18	- Read Temm Chapter 10 -	Constitutional Law
		(Constitutional Law) -	Discuss how to organize
		- Read Emmanuel pages	and learn rules from MBE
		89-104	Sample Test questions
		- Read Constitutional Law -	Format of major types of
		Handout on TWEN	Constitutional Law essays
		- Watch video reviewing	
		rules for MBE Sample	
		Test on TWEN	
		- Watch video reviewing	
		rules for MBE Questions	
		on TEMM pages 138-145	
		(Con Law)	
		- Submit answers to	
		MBE Questions on	
		Temm pages 138-145	
		(Constitutional Law) to	
		TWEN – Due 9/4/18 at	
		11:59 pm	
		- Submit autopsy sheet to	
		MBE Questions on	
		Temm pages 138-145	
		(Constitutional Law) to	
		TWEN – Due 9/4/18 at	
		11:59 pm	
		- Schedule individual	
		meeting with Professor	
		Brennan between 9/5/18	
		and 10/3/18 to discuss	
		bar application	
		procedure (This	
		30-minute meeting will	
		take the place of one	
		class later in the	
		semester). Meeting can	
		be scheduled by	
		contacting Katrina	
		Munyon by 9/7/18 at 5	
		pm.	
		-	

4	9/10/18	(MEE Skills) - In Read MEE Skills ess Handout on TWEN - Sui Co	EE Skills and Tactics class Constitutional Law say bmit answer to onstitutional Law essay TWEN TODAY – Due 10/18 at 11:59 pm
5	9/12/18	(Contracts) Co - Read Emmanuel pages - Gre	rmat of major types of entracts essays oup complete of entracts essay in class
6	9/17/18	 Read Chapter 5 (MPT Skills) Read MPT Skills Handout on TWEN Complete MPT Practice Question on Temm pages 58-69 Submit answer to MPT	PT Skills and Tactics
7	9/19/18	- Read Temm Chapter 12 - MF (Criminal Law and Procedure) - Co - Read Emmanuel 233-241 - Read Criminal Law and Procedure Handout on TWEN - Review for MBE Quiz on Constitutional Law and Qu	BE Quiz on Institutional Law and Intracts (18 questions – Iminutes) In mat of major types of Iminal Law and Indexedure essays Inter responses to MBE Iniz on Constitutional In wand Contracts to

			TWEN TODAY – Due 9/19/18 by 11:59 pm
8	9/24/18	 Watch video reviewing rules for MBE Quiz on Constitutional Law and Contracts on TWEN Watch Criminal Law and Procedure videos on TWEN Submit autopsy sheet to MBE Quiz on Constitutional Law and Contracts to TWEN – Due 9/23/18 at 11:59 pm 	- ONLINE CLASS
9	9/26/18	 Review topics to be covered on MEE Quiz on Contracts and Criminal Law and Procedure Watch MEE Quiz on Contracts and Criminal Law and Procedure preparation video 	 MEE Quiz on Contracts and Criminal Law and Procedure Submit Answers to MEE Quiz on Contracts and Criminal Law and Procedure to TWEN TODAY – Due 9/26/18 by 11:59 pm
10	10/1/18	 Read Temm Chapter 13 (Evidence) Read Emmanuel 305-314 Read Evidence Handout on TWEN Watch video reviewing rules for MBE Questions on TEMM pages 201-207 (Evidence) Submit answers to MBE Questions on Temm pages 201-207 (Evidence) to TWEN— Due 9/30/18 at 11:59 pm 	 Format of major types of Evidence essays In-class Evidence MBE Questions

		- S	Submit autopsy sheet to		
			ABE Questions on		
			Temm pages 201-207		
			Evidence) to TWEN –		
		`	Due 9/30/18 at 11:59 pm		
					Format of major types of
11	10/3/18		Read Temm Chapter 14	-	Format of major types of
			Real Property)		Real Property essays
			Read Emmanuel pages	-	Feedback from MEE Quiz
			75-383		(9/26/18) returned today
			Read Real Property		
			Iandout on TWEN		
			ign up for one of out of		
		c	lass MPT Quiz during		
		W	veek of 10/22/18 to		
		1	0/26/18. These		
		S	essions will be an hour		
		a	nd a half and		
		a	ttending one session		
		W	vill take the place of		
		c	lass on 10/22/18		
12	10/10/18	- R	Review feedback from	-	Review of MEE Quiz
12	10/10/10	N	MEE Quiz (9/26/18)		(9/26/18)
		77	7.1.1		ONLINE OLAGO
13	10/15/18		Vatch video reviewing	-	ONLINE CLASS
			ules for MBE Questions		
			n TEMM pages 158-165		
		`	Contracts)		
			Vatch video reviewing		
			ules for MBE Questions		
			n TEMM pages 180-187		
		`	Criminal Law and		
			rocedure)		
		- S	ubmit answers to		
		N	MBE Questions on		
		T	Temm pages 158-165		
		(0	Contracts) to TWEN		
		d	lue 10/14/18 at 11:59		
		p	m		

		 Submit autopsy sheet to MBE Questions on Temm pages 158-165 (Contracts) to TWEN – Due 10/14/18 at 11:59 pm Submit answers to MBE 180-187 (Criminal Law and Procedure) to TWEN – Due 10/2/18 at 11:59 pm Submit autopsy sheet to MBE 180-187 (Criminal Law and Procedure) to TWEN – Due 10/2/18 at 11:59 pm 	MEE Ouiz on Evidonoo
14	10/17/18		 MEE Quiz on Evidence and Real Property Submit Answers to MEE Quiz to TWEN TODAY – Due 10/17/18 at 11:59 pm
15	10/22/18	- Submit response to MPT Quiz to TWEN – Due 10/26/18 by 11:59 pm	- No class at scheduled time. MPT Quiz scheduled for 1.5 hours during this week.
16	10/24/18	- Review for MBE Quiz on Constitutional Law, Contracts, Criminal Law and Procedure, and Evidence	 MBE Quiz (Constitutional Law, Contracts, Criminal Law and Procedure, and Evidence) Submit answers to MBE Quiz on Constitutional Law, Contracts, Criminal Law and Procedure, and Evidence to TWEN TODAY – Due 10/24/18 at 11:59 pm

17	10/29/18	- Review feedback from MEE Quiz (10/17/18) - Review of MEE Quiz (10/17/18) - Feedback from MEE Quiz (10/17/18) returned today -
18	10/31/18	- Submit autopsy sheet to MBE Quiz on Constitutional Law, Contracts, Criminal Law and Procedure, and Evidence to TWEN- Due 10/30/18 at 11:59 pm - Watch video reviewing rules for MBE Quiz on Constitutional Law, Contracts, Criminal Law and Procedure, and Evidence to class
19	11/5/18	- Review feedback from MPT Quiz (Week of 10/22/18 to 10/26/18) - Review of MPT Quiz (Week of 10/22/18 to 10/26/18)
20	11/7/18	 Read Temm Chapter 9 (Civil Procedure) Read Emmanuel pages 1-24 Read Civil Procedure Handout on TWEN Submit answer to Civil Procedure essay on Temm page 119 to TWEN – Due 11/7/18 at 11:59 pm Format of major types of Civil Procedure essays answer to Civil Procedure essay
21	11/12/18	 Read Temm Chapter 15 (Torts) Read Emmanuel 441-449 Torts Handout on TWEN Format of major types of Torts essays

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22	11/14/18	-	Watch video reviewing	- ONLINE CLASS
			rules for MBE Questions	
			on TEMM pages 224-232	
			(Real Property)	
		-	Watch video reviewing	
			rules for MBE Questions	
			on TEMM pages 251-257	
			(Torts)	
		-	Watch video reviewing	
			rules for MBE Questions	
			on TEMM pages 120-123	
			(Civil Procedure)	
		-	Submit answers to	
			MBE 224-232 (Real	
			Property) to TWEN –	
			Due 11/13/18 at 11:59	
			pm	
		-	Submit autopsy sheet to	
			MBE 224-232 (Real	
			Property) to TWEN –	
			Due 11/13/18 at 11:59	
			pm	
		-	Submit answer to MBE	
			251-257 (Torts) to	
			TWEN – Due 11/13/18	
			at 11:59 pm	
		-	Submit autopsy sheet to	
			MBE 251-257 (Torts) to	
			TWEN – Due 11/13/18	
			at 11:59 pm	
		-	Submit answer to MBE	
			120-123 (Civil	
			Procedure) to TWEN -	
			Due 11/13/18 at 11:59	
			pm	
		_	Submit autopsy sheet to	
			MBE 120-123 (Civil	
			Procedure) to TWEN –	
	1	I	<u>'</u>	

		Due 11/13/18 at 11:59	
		pm	
23	11/19/18		 MEE Quiz on Civil Procedure and Torts Submit Answers to MEE Quiz to TWEN TODAY – Due 11/19/18 at 11:59 pm
24	11/21/18		 NO CLASS. Makeup Day was 30 minute meeting at start of the semester. HAPPY THANKSGIVING
25	11/26/18	- Read Temm Chapter 17 (Trusts and Estates)	- Format of major types of Trusts and Estates essays
26	11/28/18	- Review for MBE Quiz on all subjects	 MBE Quiz on all subjects Submit Answers to MBE Quiz to TWEN TODAY – Due 11/28/18 at 11:59 pm
27	12/3/18	 Read Temm Chapter 16 (Business Topics) Submit completed Bar Study Calendar to TWEN – Due 12/2/18 at 11:59 pm 	- Format of major types of Business Topics essays
28	12/5/18	 Read Temm Chapter 18 (Family Law) Watch video reviewing rules for MBE Quiz on All Subjects on TWEN Submit autopsy sheet to MBE Quiz on all subjects to TWEN- Due 12/4/18 at 11:59 pm 	- Format of major types of Family Law essays

^{*}HOMEWORK DUE PRIOR column (homework assignments are due at either 5 pm or 11:59 pm the day before class and assignments completed during class are due at 11:59 pm the day of class unless otherwise indicated)

Assignment Checklist

This list is intended to help you make sure you don't miss any assignment deadlines. All assignments and due dates are also on TWEN.

Due 8/26/18 by **5 pm**

- o My Bar Exam Information Sheet
- o Your Bar Exam State Poll

Due 8/28/18 by 11:59 pm

o MBE Sample Test Questions

Due 9/4/18 at 11:59 pm

- o MBE Constitutional Law Questions (TEMM 138-145)
- o Autopsy for MBE Constitutional Law Questions (TEMM 138-145)

Due at 9/7/18 at **5 pm**

o Schedule 30-minute individual meeting for between 9/5/18 and 10/3/18. E-mail Katrina Munyon to schedule

Due 9/10/18 at 11:59 pm

o Constitutional Law Essay

Due 9/16/18 at 11:59 pm

o MPT Practice Question response and Score Sheet

Due 9/19/18 at 11:59 pm

o MBE Quiz on Constitutional Law and Contracts

Due 9/23/18 at 11:59 pm

o Autopsy for MBE Quiz on Constitutional Law and Contracts

Due 9/26/18 at 11:59 pm

o MEE Quiz on Contracts and Criminal Law & Procedure

Due 9/30/18 at 11:59 pm

- o MBE Evidence Questions (TEMM 201-207)
- o Autopsy for MBE Evidence Questions (TEMM 201-207)

Due 10/14/18 at 11:59 pm

o MBE Contracts Questions (TEMM 158-165)

- o Autopsy for MBE Contracts Questions (TEMM 158-165)
- o MBE Criminal Law & Procedure Questions (TEMM 180-187)
- o Autopsy for MBE Criminal Law & Procedure Questions (TEMM 180-187)

Due 10/17/18 at 11:59 pm

o MEE Quiz on Evidence and Real Property

Due 10/24/18 at 11:59 pm

o MBE Quiz on Constitutional Law, Contracts, Criminal Law and Procedure, and Evidence

Due 10/26/18 at 11:59 pm

o MPT Quiz

Due 10/30/18 at 11:59 pm

o Autopsy for MBE Quiz on Constitutional Law, Contracts, Criminal Law and Procedure, and Evidence

Due 11/7/18 at 11:59 pm

o Civil Procedure Essay

Due 11/13/18 at 11:59 pm

- o MBE Real Property Questions (TEMM 224-232)
- o Autopsy for MBE Real Property Questions (TEMM 224-232)
- o MBE Torts Questions (TEMM 251-257)
- o Autopsy for MBE Torts Questions (TEMM 251-257)
- o MBE Civil Procedure Questions (TEMM 120-123)
- o Autopsy for MBE Civil Procedure Questions (TEMM 120-123)

Due 11/19/18 at 11:59 pm

o MEE Quiz on Civil Procedure and Torts

Due 11/28/18 at 11:59 pm

o MBE Quiz on All Subjects

Due 12/2/18 at 11:59 pm

o Bar Study Calendar

Due 12/4/18 at 11:59 pm

o Autopsy for MBE Quiz on All Subjects