Bar Exam Skills & Tactics

WRI 7352 Fall 2020

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 students 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 Information

Meeting Times/Locations

(Class) Mondays & Wednesdays 9:55AM-11:10AM, Microsoft TEAMS

• Course Website(s)

Access to Microsoft TEAMS (TEAMS) is <u>MANDATORY</u> for WRI 7352. TEAMS is the primary means of communication for WRI 7352 and will provide access to materials and handouts. This course will use TEAMS to submit assignments and provide access to all assigned videos. You can visit the BEST TEAM by clicking <u>HERE</u>.

Virtual Classroom Protocols

This class will be using TEAMS exclusively for class time, supplemental materials, and submission of quizzes and assignments. Please log on to TEAMS prior to the first class to get acquainted with the platform.

Students should arrive to TEAMS class early and be as prepared as they would for an inperson class. Class will start promptly at 9:55AM. <u>Videos should remain on during class time</u>. <u>If videos are off, the professor will assume the student is away from the computer and the student will be marked absent</u>. It is understood that situations may arise that require videos to be temporary disabled. Exercise good judgment, return to class as soon as possible, and resume your video.

Class time involves lecture, discussion, and group work. Students should work diligently to find a dedicated quiet space to attend TEAMS class sessions, to minimize the chances that they will be disrupted during the session.

TEAMS has a *raise hand* function. In order to bring order to the virtual classroom, this class will use the *raise hand* button to signal a desire to ask a question or make a comment. Use of mentions is encouraged. Students should mute microphones when they are not speaking.

Participation in TEAMS class will be no less extensive than an in-class session. Students should be actively engaged in answering questions, taking notes, writing down questions to ask later during class or during office hours, etc. This will not only help students learn—it will help students stay engaged.

Please raise technology issues early and often so that they can be addressed in a timely manner and minimize the impact on learning.

The professor will take roll audibly at the beginning of every class and download the TEAMS Excel log after every class.

• Academic Success Program (ASP)

ASP is empowering, individualized, and available to every Vermont Law student. ASP offers skill building through workshops, one-on-one consultation, and mentoring by upper-level students. If you are looking for ways to shrink the learning curve, ASP can connect you with study-aids and supplemental materials (i.e. CALI, TWEN, and Kaplan Kick Start) that accommodate your specific needs. Whether you are preparing for the Bar Examination or your first 1L exam, ASP is here to help you. You can visit ASP virtually by clicking HERE.

Instructor

Professor Richard K. Sala

• Office location Old School House 208 / TEAMS

• Email rsala@vermontlaw.edu

• Office hours

Due to our virtual setting, office hours are by appointment. To schedule an appointment, send an email to kmunyon@vermontlaw.edu.

Objectives

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

- 1) Demonstrate knowledge of the structure and application process for the bar exam in the student's desired jurisdiction(s) by completing the "My Bar Exam" Information Sheet;
- 2) Develop the skills to answer bar style multiple choice and essay questions through completing practice questions and receiving feedback;
- 3) Exhibit understanding of highly tested substantive bar exam topics through completing practice questions and receiving feedback;
- 4) Create study tools for use during bar study; and
- 5) Devise a plan for creating the time and structure needed to succeed on the bar exam.

WARNING

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 all of the required material necessary for the bar exam.

Rather, it is intended to give students a head start on bar study and allow students to develop the skills required to take full advantage of a commercial bar prep course.

Commercial Bar Course Enrollment

There are numerous bar preparation companies. Students should research bar preparation course options carefully. See <u>HERE</u>, <u>HERE</u>, and <u>HERE</u> for information on choosing a commercial bar preparation course. Commercial bar preparation courses may offer discounts or public interest rates to Vermont Law students. Student should be sure to ask about discounts. When students pay for a bar prep course, they will gain 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.

Required Text(s)

- <u>Clearing the Last Hurdle</u>, 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. I will post additional readings on Blackboard as links and PDF files.
- <u>Strategies & Tactics for the MBE</u>, 7th Edition, Steven Emanuel (2020) 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.

Other Recommended Materials:

Critical Pass Cards: https://criticalpass.com. These flash cards are a great study tool, especially for students who are visual learners. They contain black letter law for the 7 MBE subjects and space for you to take additional notes. Critical Pass comes highly recommend by Vermont Law students. If students get them now, they 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.

Method of Teaching

 Come prepared. I will routinely use the Socratic Method. See the following link for a brief discussion of my approach to the Socratic Method: http://www.law.uchicago.edu/socrates/soc_article.html

Assignments

Guidelines for Completing and Submitting Homework Assignments

- Students must complete all assignments per the syllabus.
- Students must work on *all* assignments independently unless specifically directed to work in a group.
- All assignments must be turned in by 11:59 PM on the dates indicated in the syllabus.

- The professor will deduct one full grade for assignments submitted late; the professor will deduct a half grade for each additional day.
- Advanced notification, including an explanation, for absences, tardiness, or late assignments, is preferred. If students are unable to provide advanced notice, they must provide the professor an explanation as soon as is practicable. When applicable, be prepared to provide supporting documentation upon request.

Grading

This is a Pass-Honors/Pass/Low-Pass/Fail course.

Half of a student's grade is based on completing assignments throughout the course. The assignments making up this part of a student's grade are:

ASSIGNMENTS	POINTS
Eight (7) Take-Home MBE Practice Sets	5
Eight (7) Autopsy Sheets for Take-Home MBE Practice Sets	5
Three (3) In-Class MBE Quizzes	5
Three (3) Autopsy Sheets for In-Class MBE Quizzes	5
One (1) Take-Home MEE	5
One (1) In-Class MEE	5
Three (3) In-Class MEE Quizzes	5
One (1) Take-Home MPT	5
One (1) In-Class MPT Quiz	5
One (1) My Bar Exam Information Sheet	1
One (1) Your Bar Exam State Poll	1
Complete all reading assignments prior to class and be prepared to	1
participate in class	
Complete all assigned videos	1
One (1) 30 minute meeting with the professor to discuss Bar Exam	1
registration (Schedule by emailing KMUNYON@vermontlaw.edu)	

The other half of a student's grade is based on a final exam. The final exam will consist of 50 multiple-choice questions and 5 bonus multiple-choice questions. *The exam will only use questions that have been assigned during the course of the class*. On the bar exam, students will have 1.5 hours to complete 50 questions. For this final exam, students will have 3 hours. **The Final Exam date will be announced once it has been scheduled.**

A grade of *Pass-Honors* is earned for work resulting in a final grade between 95% and 100%. A grade of *Pass* is earned for work resulting in a final grade between 70% and 94%. A grade of *Low-Pass* is earned for work resulting in a final grade between 65% and 69%. A grade of *Fail* is earned for work resulting in a final grade below 65%.

Professional Disposition

As an instructor, the professor's goal is to provide students opportunities to develop the knowledge, skills, and disposition necessary to succeed during law school and as a practicing

attorney. Be a professional. The professor's standards for law students are no different from standards for practicing attorneys. Specifically, the professor will expect the following things:

1. **Attendance**: Attendance is mandatory. The professor will enforce the attendance policy without exception.

a. Attendance Policy¹

Students are required to attend all classes except where religious observance, serious illness, personal emergency, or a reason that is adequate in the professor's judgment prevents attendance.

If a student is absent from twenty (20%) percent of the regularly scheduled classes without adequate excuse, the student will be automatically withdrawn from the course with an F-Wd grade. [...] Such withdrawal shall not be effective unless the instructor has personally warned the student. Personal notice shall include but is not limited to, a notice placed in the Student's Vermont Law School mailbox or a notice sent to the student's Vermont Law School e-mail address.

Remember that individual faculty may adopt a more stringent attendance policy than specified in Vermont Law School Student Handbook 2019-2020 if the faculty member gives students written notice of that policy.

If Ithe professor does not arrive within ten minutes of the scheduled beginning of class and the professor has not provided advanced notice, students may disperse, and the class will not meet.

2. **Punctuality**: Arrive to class a few minutes early, settle in, and focus once class begins. Students will know that the class has started because the professor will say something like, "Ok. Let's get started." Also, maintain attention until the last moment of class. Do not pack up materials in anticipation of the end of class; it is rude. Students will know that class has ended when the professor says, "That's it for today. I'll see you next time" or words to that effect. In return, the professor will respect students' time. The class will begin and end at the time annotated in this syllabus.

A student will be counted as absent if he/she is not present within 15 minutes of the class's scheduled start time. The professor will consider the student late if he/she is not present within 10 minutes of the class's scheduled start time. If a student is late twice, that counts as one absence. If a student misses more than five classes, that student will fail the course due to absence.²

¹ Vermont Law School, Student Handbook 2019-2020, (Aug. 2019, 9:40 AM), Section II(A), at 30-32, https://www.vermontlaw.edu/sites/default/files/2019-08/VLS 2019-2020 Student Handbook 1.pdf.

² Vermont Law School, Student Handbook 2019-2020, (Aug. 2019, 9:40 AM), Section II(A)(1)(d), at 31, https://www.vermontlaw.edu/sites/default/files/2019-08/VLS 2019-2020 Student Handbook 1.pdf.

- 3. **Attention**: Pay attention in class. Students should not sleep, talk with neighbors, read material unrelated to class, text message, tweet, post on Instagram, Facebook, or Snapchat, or work on computers other than for required course work. Students should respect their colleagues. When a student asks a question or makes a comment, pay attention to what they are saying. h
- 4. **Participation**: Students often have questions during class. Do not withhold questions or comments on course material or whisper them to a neighbor. Students are encouraged to raise their hands and contribute. Do not worry about sounding foolish. It is ok to be wrong. Be brave. A colleague may have the same question.
- 5. **Maturity**: Don't make excuses, attempt to defend an illegitimate absence, or request an assignment extension unless it is an exception within the Student Handbook.³
- 6. **Responsibility**: Each student has the syllabus—read it. Students are responsible for all the material in the syllabus. Always attempt to find course-related answers in the syllabus. If a student cannot find the answer in the syllabus, contact the professor, and ask questions. Students should not let pride or fear be the reason for missing something important.
- 7. **Communication**: Be professional when corresponding by email. Begin correspondence with a greeting. Spelling, grammar, and punctuation are important. Be succinct. Do not use SMS abbreviations. Close with a closing, sign-off, or good-bye.
- 8. **Honesty and Integrity**: Do not cheat—it is not worth it. The professor will not hesitate to refer known or suspected violations of the Honor Code to the Vice Dean for Academic Affairs for further action. ⁴ Substantiated Honor Code violations will result in a grade of *Fail* in the course.

Title IX Our school is committed to fostering a safe, productive learning environment. Title IX and our school policy prohibit discrimination based on sex. Sexual misconduct – including harassment, domestic and dating violence, sexual assault, and stalking – is also prohibited at our school.

Our school encourages anyone experiencing sexual misconduct to talk to someone about what happened, so they can get the support they need, and our school can respond appropriately. If a student wishes to speak confidentially about an incident of sexual misconduct, want more information about filing a report, or have questions about school policies and procedures, please contact our Title IX Coordinator, Shirley Jefferson, (T) 802-831-1333, or (email) sjefferson@vermontlaw.edu.

Our school is legally obligated to investigate reports of sexual misconduct. Therefore it cannot guarantee the confidentiality of a report, but it will consider a request for confidentiality and respect it to the extent possible.

Professors are also required to report incidents of sexual misconduct and thus cannot guarantee

³ Vermont Law School, Student Handbook 2019-2020, (Aug. 2019, 9:40 AM), Section II(A)(1)(a), at 30, https://www.vermontlaw.edu/sites/default/files/2019-08/VLS 2019-2020 Student Handbook 1.pdf.

⁴ Vermont Law School, Student Handbook 2019-2020, (Aug. 2019, 9:40 AM), Section XII, at 90-95, https://www.vermontlaw.edu/sites/default/files/2019-08/VLS 2019-2020 Student Handbook 1.pdf.

confidentiality. This policy includes any mention of sexual misconduct that a student might make in their written work. A professor must provide our Title IX coordinator with relevant details such as the names of those involved in the incident.

Accommodations for Disabilities

If a student has a disability and would like to request an accommodation, please review our Disability Policy at Vermont Law School academic accommodations at: https://www.vermontlaw.edu/community/students/academic-success/accommodations

There is also an online form on that web page that a student can complete and upload with supporting documentation. If a student has questions, please make an appointment with the Vice Dean for Students. Vermont Law may not be able to grant accommodations if the student submits the request within two weeks of a midterm or a final examination. Please submit requests as soon as possible.

Weather

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

Course Overview

CLASS	DATE	READINGS DUE PRIOR TO CLASS / ASSIGNMENTS DUE BY 11:59 PM OF CLASS DAY Assigned readings that are not in the required text are posted on TEAMS under Files; Videos for review will be posted on TEAMS under the Channel titled Video Review Assignments; Items for submission are posted on TEAMS under Assignments. Bolded items require submission.	LECTURE TOPIC
1	8/24/20	 Read Temm Chapters 1 – 3 Read Emmanuel "About the MBE" pages ix-xxii 	SyllabusStructure of bar exam
2	8/26/20	 Read What is the Bar Handout Submit completed My Bar Exam Information Sheet Submit complete Bar Exam State Poll 	- Application process

3	8/31/20	 Read Temm Chapter 6 (MBE Skills) Read Emmanuel "How to Attack the MBE" pages xxiii-xlvi Read Multiple-Choice Drafting Guidelines MBE Handout Submit answers to MBE Sample Test Questions 	 MBE Skills and Tactics MBE Diagnostic Worksheet Creating bar exam study materials
4	9/2/20	 Read Temm Chapter 10 (Constitutional Law) Read Emmanuel pages 131-147 Read Constitutional Law Handout Submit answers to MBE Questions on Temm pages 138-145 (Constitutional Law) Watch video reviewing rules for MBE Sample Test (Video will be available after the MBE Sample Test due date has passed) Review Completed Autopsy sheet for MBE Sample Test (This will serve as a template for autopsies students will complete independently during BEST) 	 Constitutional Law Discuss how to organize and learn rules from MBE Sample Test questions Format of major types of Constitutional Law essays
5	9/9/20	 Read Temm Chapter 4 (MEE Skills) Read MEE Skills Handout Watch video reviewing rules for MBE Questions on 	 MEE Skills and Tactics In-class Constitutional Law MEE

			Temm pages 138-145 (Con Law) (Video will be available after MBE Questions on Temm pages 138-145 due date has passed)		
		-	Submit autopsy sheet to MBE Questions on Temm pages 138-145 (Constitutional Law)		
		-	Complete and submit answer to in-class MEE (Constitutional Law)		
6	9/14/20	-	Read Temm Chapter 11 (Contracts)	-	Format of major types of Contracts essays
		-	Read Emmanuel pages 225-236	-	Group MBE Assignment
		-	Read Contracts Handout		
7	9/16/20	-	Read Temm Chapter 5 (MPT Skills)	-	MPT Skills and Tactics
		-	Read MPT Skills Handout		
		-	Submit answer to Take- Home MPT Practice Question Temm pages 60- 72		
		-	After submitting your MPT, read Temm pages 73-78 (conduct an MPT self-assessment)		
		-	Review Temm pages 79-81 (continue your MPT self-assessment)		
8	9/21/20	-	Read Temm Chapter 12 (Criminal Law and Procedure)	-	In-class MBE Quiz 1 on Constitutional Law and Contracts (18 questions –
		-	Read Emmanuel 317-325		30 minutes)

		 Read Criminal Law and Procedure Handout Review for MBE Quiz 1 on Constitutional Law and Contracts Submit answers to MBE Quiz 1 on Constitutional Law and Contracts 	- Format of major types of Criminal Law and Procedure essays
9	9/23/20	 Read Criminal Law Handout Watch video reviewing rules for MBE Quiz 1 on Constitutional Law and Contracts (Video will be available after the MBE Sample Test due date has passed) 	- Criminal Law (Defenses, Elements of Crimes, Homicide, Inchoate Crimes, and Theft Crimes)
		- Submit autopsy sheet to MBE Quiz 1 on Constitutional Law and Contracts	
10	9/28/20	 Read MEE Quiz 1 Review Handout on Contracts and Criminal Law and Procedure 	- MEE Quiz 1 on Contracts and Criminal Law and Procedure
		- Watch MEE Quiz 1 preparation video	
		- Submit Answers to MEE Quiz 1 on Contracts and Criminal Law	
11	9/30/20	- Read Temm Chapter 13 (Evidence)	- Format of major types of Evidence essays
		- Read Emmanuel 395-404	- In-class Evidence MBE Questions
		- Read Evidence Handout	Questions
		- Submit answers to MBE Questions on Temm pages 201-207 (Evidence)	

		- Submit autopsy sheet to MBE Questions on Temm pages 201-207 (Evidence)	
12	10/5/20	- Read Temm Chapter 14 (Real Property)	- Format of major types of Real Property essays
		- Read Emmanuel pages 485-492	
		- Read <i>Real Property</i> Handout	
		- Watch video reviewing rules for MBE Questions on Temm pages 201-207 (Evidence) (Video will be available after MBE Questions on Temm pages 201-207 due date has passed)	
13	10/7/20	- Review feedback from MEE Quiz 1	- Review of MEE Quiz 1
14	10/14/20	- Submit answers to MBE Questions on Temm pages 158-165 (Contracts)	- INDEPENDENT WORK DAY
		- Submit autopsy sheet to MBE Questions on Temm pages 158-165 (Contracts)	
		- Submit answers to MBE Questions on Temm pages 180-187 (Criminal Law and Procedure)	
		- Submit autopsy sheet to MBE Questions on Temm pages 180-187 (Criminal Law and Procedure)	
15	10/19/20	 Read MEE Quiz 2 Review Handout on Evidence and Real Property 	- MEE Quiz 2 on Evidence and Real Property
		- Watch MEE Quiz 2 preparation video	

		 Submit Answers to MEE Quiz 2 Watch video reviewing rules for MBE Questions on Temm pages 158-165 (Contracts) (Video will be available after MBE Questions on Temm pages 158-165 due date has passed) Watch video reviewing rules for MBE Questions on Temm pages 180-187 (Criminal Law and Procedure) (Video will be available after MBE Questions on Temm pages 180-187 due date has passed)
16	10/21/20	- Submit response to In- class MPT Quiz - In-class MPT Quiz
17	10/26/20	 Review for MBE Quiz 2 on Constitutional Law, Contracts, Criminal Law and Procedure, and Evidence Submit answers to MBE Quiz 2 on Constitutional Law, Contracts, Criminal Law and Procedure, and Evidence Submit answers to MBE Quiz 2 on Constitutional Law, Contracts, Criminal Law and Procedure, and Evidence
18	10/28/20	 Read Temm Chapter 9 (Civil Procedure) Read Emmanuel pages 1-30 Read Civil Procedure Handout Discuss Civil Procedure
19	11/2/20	- Review feedback from MEE Quiz 2 - Review of MEE Quiz 2 - Feedback from MEE Quiz 2

		- Submit autorom MBE Quiz 2 Constitutions Contracts, C and Procedu Evidence	on al Law, riminal Law	
20	11/4/20	- Review feedb MPT Quiz	ack from -	Feedback from MPT Quiz will be returned today
		- Watch video rules for MBI Constitutiona Contracts, Cri and Procedure Evidence (Video available after date has passe	E Quiz 2 on I Law, iminal Law e, and deo will be r autopsy due	Review of MPT Quiz
21	11/9/20	- Watch video i Matter Jurisdi Personal Juris Venue	for Subject - iction, adiction, and	Outline Civil Procedure essay on Temm page 119
		- Submit answ Home MEE ' 119 (Civil Pr	Temm page	
22	11/11/20	- Submit answ on Temm pa (Real Proper	ges 224-232	INDEPENDENT WORK DAY
		- Submit answ Temm pages (Torts)	er to MBE on 251-257	
		- Submit answ Temm pages (Civil Proced		
		- Submit autor MBE on Ten 232 (Real Pro	nm pages 224-	
		- Submit autor MBE on Ten 257 (Torts)	psy sheet to nm pages 251-	

		- Submit autopsy sheet to MBE on Temm pages 120- 123 (Civil Procedure)	
23	11/16/20	- Read Temm Chapter 15 (Torts)	- Format of major types of Torts essays
		- Read Emmanuel 569-577	
		- Read <i>Torts</i> Handout	
		- Watch video reviewing rules for MBE Questions on Temm pages 224-232 (Real Property) (Video will be available after autopsy due date has passed)	
		- Watch video reviewing rules for MBE Questions on Temm pages 251-257 (Torts) (Video will be available after autopsy due date has passed)	
		- Watch video reviewing rules for MBE Questions on Temm pages 120-123 (Civil Procedure) (Video will be available after autopsy due date has passed)	
24	11/18/20	- Read MEE Quiz 3 Review Handout on Civil Procedure and Torts	- MEE Quiz 3 on Civil Procedure and Torts
		 Watch MEE Quiz 3 preparation video 	
		- Submit Answers to MEE Quiz 3	
25	11/23/20	- Read Temm Chapter 17 (Trusts and Estates)	- Format of major types of Trusts and Estates essays
		- Read Wills, Trusts, and Estates Handout	- Final Prep (Review Packet Posted)

26	11/25/20	 Review for MBE Quiz 3 on all subjects Submit Answers to MBE Quiz 3 All subjects 	- In-class MBE Quiz 3 on all subjects
27	11/30/20	 Read Temm Chapter 16 (Business Topics) Read Business Topics Handout Submit autopsy sheet to MBE Quiz 3 on all subjects 	- Format of major types of Business Topics essays
28	12/2/20	 Read Temm Chapter 18 (Family Law) Read Family Law Handout Watch video reviewing rules for MBE Quiz 3 on All Subjects (Video will be available after autopsy due date has passed) 	 Format of major types of Family Law essays Final Prep