

# Spring 2021

## BASIC BAR STUDIES

*Western State College of Law at Westcliff University*

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### COURSE SYLLABUS AND ASSIGNMENTS

***Professors:***

Professor MacManus ([mmacmanus@wsulaw.edu](mailto:mmacmanus@wsulaw.edu))

Professor Shah ([tshah@wsulaw.edu](mailto:tshah@wsulaw.edu))

Professor Agrawal ([rahul.agrawal@themisbar.com](mailto:rahul.agrawal@themisbar.com))

***Semester:*** Spring 2021

***Course Objectives:*** The goals of Basic Bar Studies (“BBS”) are to introduce students to the skills necessary to succeed on the essay, multi-state bar exam (“MBE”) and Performance Test sections of the California Bar Examination. By the end of the course, successful students will have: (1) created an attack sheet for three topics tested on the essay portion of the California bar exam; (2) developed the ability to use issues checklists to write well-organized and thorough essay answers within the one hour allotted by the California Bar Examiners for each essay; (3) developed the ability to identify legal issues on essay and MBE questions; (4) developed the ability to identify and analyze legally significant facts; (5) developed a strategy for organizing an answer to a performance exam; (6) practiced writing answers to essay and performance exams; (7) practiced doing and reviewing MBE questions; and (8) developed the ability to self-assess their performance on essay, multi-state and performance exam practice questions.

***Course Methodology:*** This course has been designed as a significant departure from traditional law school instruction and course work because it teaches a set of study skills that are unique to the California Bar Exam—and because it begins your preparation for that exam. Using materials created by Themis Bar Review, you will follow a rigorous weekly program and become proficient in employing the following skills: (1) viewing substantive lectures and following along in the lecture notes; (2) creating an attack sheet; (3) creating an issues checklist; (4) using a method to identify key facts/issues and outline an essay answer; (5) writing and assessing essays exams using sample answers and rubrics; (6) taking and assessing MBE questions; (7) developing a strategy for organizing the file and library of a 90-minute performance exam; (8) writing and assessing performance exams using sample answers and rubrics.

During the fourteen-week semester, this course will cover three subjects tested on the California Bar Exam, the Performance Test and the MBE; following the conclusion of the course, and leading up to the bar exam, you will then follow the same approach for each of the remaining subjects, as well as engage in additional practice and review of each testable subject, the Performance Test and the MBE, as you study on your own with your selected bar preparation company.

***Course Materials:*** The required BBS course materials will be provided from Themis, a commercial bar preparation company. The fee for the program is \$1,550.00, which includes all materials for BBS and for the post- graduation bar preparation.

***Class Participation:*** Legal education is a cooperative venture. Class participation therefore is a mandatory part of this course. Any student who is deemed unprepared for class will be treated as absent for that day and a student who is unprepared on two (2) occasions will automatically be withdrawn from the course.

***Requirements for Participation in Zoom Sessions:***

- Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.
- Arrive to class early and dressed as you would to attend an in-person class.
- Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.
- Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.
- Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.
- If you have to miss a Zoom session, or arrive late or leave early, notify the professor in advance, as you would for an in-person class.
- If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify your professor so other accommodations can be explored.
- Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact your professor.
- Sign into Zoom with the name under which you are registered for class. If you prefer to be called by a different name or nickname, please notify your professor in advance so you are not marked absent.
- Unless your professor instructs you otherwise, mute your microphone when you are not speaking. Unmute to speak or to ask or answer questions.
- Zoom classes are not YouTube or Netflix. You should be actively engaged in answering questions, taking notes, writing down questions you wish to ask later during class or during office hours, etc. This will not only help you stay engaged and participating in class, it will also help your learning in the online format.

**Course Grading:** You will receive two separate grades for the course.

Your grade for the Essay/PT class (3 units) is based on the following four components:

- (1) your score on the written portion of the midterm (25%);
- (2) your score on the written portion of the final examination (35%);
- (3) completion of viewing your lectures online and completing the lecture workbooks (10%); and
- (4) the attack sheets you submit during the semester (10%).
- (5) The four (4) mandatory writing assignments (essays/PT) you submit during the semester (20%)

Your grade for the MBE class (3 units) is based on the following four components:

- (1) your score on the MBE portion of the midterm (30%);
- (2) your score on the MBE portion of the final examination (40%);
- (3) completion of viewing your lectures online and completing the lecture workbooks (20%); and (4) completion of weekly MBE quizzes (10%).

You will not be graded on the accuracy of your answers to the weekly MBE quizzes, but rather on your timely submission of the work and your improvement throughout the course.

**After-Class Assignments:** After every class session you will be completing homework assignments. Those assignments will include preparing/completing attack sheets, issues checklists, taking MBE quizzes, and other assignments directed at helping you learn the material and practice the skills on which you will be tested on your midterm, final examination and the California Bar Examination. You will be graded on the extent to which your submissions demonstrate a good faith effort to successfully complete the assignments. For each assignment, including each MBE quiz, essay answer, attack sheet or performance exam assignment that you fail to submit, or that does not reflect a good faith effort, one tenth of a point will be deducted from your final course grade (i.e.: if you earn a final grade of 2.5 in the class, your final grade will be reduced to a 2.4, if you fail to take an MBE quiz and an additional one-tenth of a point will be deducted for every missed assignment thereafter). Points may also be assigned or deducted from your final grade based on class participation (or lack thereof).

**Homework Expectations and Time Commitment:** Because this class begins your preparation for the bar exam, it requires a substantial amount of work outside of class time. You should expect to spend, on average, at least two hours of preparation for every one hour of class time; more specifically, between twelve and fifteen hours per subject viewing lectures, and an additional twelve to fifteen hours per subject creating attack sheets, and approximately two to four hours each week taking MBE quizzes and completing assignments.

**Class Attendance:** If you arrive late to class, leave during class time or depart early (without prior permission), you will be marked absent for that session. If you miss more than two class sessions, you will be withdrawn from the class.

*Course Website:* Please sign up for the Spring 2021 BBS TWEN Course. There you will find all of your materials for each class of the semester.

***Disability Services:*** Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite, Room 111. Dean Espinoza's phone number and email address are: (714) 459-1117; [despinoza@wsulaw.edu](mailto:despinoza@wsulaw.edu). When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Dean Allen Easley at [aeasley@wsulaw.edu](mailto:aeasley@wsulaw.edu) or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

***Office Hours, Appointments and Email:*** Students may use office hours to address their concerns regarding any of the course material or for other guidance. You can sign up for Professor MacManus's Office Hours on her TWEN Course: Professor MacManus's Spring 2021 Office Hours. You can also sign up for Professor Shah's office on her TWEN Course: Professor Shah's Spring 2021 Office Hours. Professor Agrawal is available for office hours via email.

***Assignments and Class Times:*** Below is a list of the subject matter and skills covered during class, and the assignments for each class session. This list is not exhaustive and may be amended as needed (additional assignments will be assigned and distributed during class).

## BBS ESSAY CLASS (Mondays) ASSIGNMENTS

WEEK	DATE	SUBJECT/TOPIC	ASSIGNMENT (Due Before Next Class)
	Prior to First Class	<b>Torts</b>	Prior to First Class: Watch all Torts Lectures
1	1/25	<b>Introduction to Bar Exam and Essay Writing</b>	Complete Attack Sheets for Negligence, Defamation and Strick Liability
2	2/1	<b>Torts Essay:</b> Negligence; Defamation; Strict Liability	<ul style="list-style-type: none"> <li>• Complete Attack sheets for Intentional Torts &amp; Defenses; Nuisance; Products Liability and 3<sup>rd</sup> Party Claims</li> <li>• Submit Torts Attack sheets on TWEN</li> </ul>
3	2/8	<b>Torts Essay:</b> Intentional Torts & Defenses; Nuisance; Products Liability; 3 <sup>rd</sup> Party Claims	<ul style="list-style-type: none"> <li>• Watch 1/3 of Con Law Lectures</li> <li>• Complete Attack sheets</li> <li>• <b>Torts Essay Writing Assignment</b></li> </ul>
4	2/16 (Monday classes meet Tuesday)	<b>Constitutional Law Essay:</b> Standing; State Action; 1 <sup>st</sup> Amend	<ul style="list-style-type: none"> <li>• Watch 2/3 of Con Law Lectures</li> <li>• Complete Attack sheets</li> </ul>
5	2/22	<b>Constitutional Law Essay:</b> Equal Protection; Substantive Due Process; Takings	<ul style="list-style-type: none"> <li>• Watch 3/3 of Con Law Lecture</li> <li>• Complete Attack sheets</li> </ul>
6	3/1	<b>Constitutional Law Essay:</b> Judicial Review; Separation of Powers; Federalism	Submit Con Law Attack sheets on TWEN Course <b>Con Law Essay Writing Assignment</b>
7	3/8	<b>Midterm Prep/Bar Skills:</b> Cross-Over Exams; Essay Writing; Memorization Strategies; Time Management	<ul style="list-style-type: none"> <li>• Watch 1/3 of PR Lecture</li> <li>• Complete Attack sheets</li> </ul>
8	3/22	<b>BBS ESSAY MIDTERM (2 Essays/2 hours)</b>	
9	3/29	<b>Professional Resp. Essay</b>	<ul style="list-style-type: none"> <li>• Watch 2/3 of PR Lecture</li> <li>• Complete Attack sheets</li> </ul>
10	4/5	<b>Professional Resp. Essay</b>	<ul style="list-style-type: none"> <li>• Watch 3/3 of PR Lecture</li> <li>• Complete Attack sheets</li> </ul>
11	4/12	<b>Professional Resp. Essay</b>	<ul style="list-style-type: none"> <li>• Submit Professional Resp. Attack sheets on TWEN</li> <li>• <b>PR Essay Writing Assignment</b></li> </ul>
12	4/19	<b>Intro to Performance Test &amp; Persuasive Performance Tests</b>	<ul style="list-style-type: none"> <li>• Write a Persuasive Performance Test and Self-</li> </ul>

			Assess
13	4/26	Objective Performance Tests	<ul style="list-style-type: none"> <li>Objective Performance Test Writing Assignment</li> </ul>
14	5/3	Combination Performance Test Summer Study Schedule	
<b>Final Exam (6.5 hours total + 30 minutes for lunch)</b> <b>100 MBE Questions, 2 Essays, 1 PT</b>			

## BBS MBE CLASS (Wednesdays) ASSIGNMENTS

WEEK	DATE	SUBJECT/TOPIC	ASSIGNMENT (Due Before Next Class)
	Prior to 1 <sup>st</sup> class		<ul style="list-style-type: none"> <li>● Watch CA Bar Exam &amp; MBE Overview lecture (link to zoom lecture will be emailed out via TWEN)</li> <li>● Module I: View Torts Lecture Chapters 1-3</li> <li>● Module II: View Torts Lecture Chapters 4-14</li> <li>● Module III: View Torts Lecture Chapters 15-17</li> <li>Module IV: View Torts Lecture Chapters 18-20</li> </ul>
1	1/27	<b>Introduction to MBE Exam &amp; MBE Skills; Torts MBE</b>	<ul style="list-style-type: none"> <li>● Complete Torts Session #1 - 15 MBE Questions</li> <li>● Complete Torts Session #2 - 15 MBE Questions</li> <li>● Complete Torts Session #3 - 15 MBE Questions</li> <li>● Complete Torts Session #4 - 15 MBE Questions</li> <li>● Module I: View Real Property Lecture Chapters 1-10</li> <li>● Module II: View Real Property Lecture Chapters 11-14</li> </ul>
2	2/3	<b>MBE: Property</b>	<ul style="list-style-type: none"> <li>● Complete Real Property Session #1 - 15 MBE Questions</li> <li>● Complete Real Property Session #2 - 10 MBE Questions</li> <li>● Module III: View Real Property Lecture Chapters 15-21</li> <li>● Module IV: View Real Property Lecture Chapters 22-26</li> </ul>
3	2/10	<b>MBE: Property</b>	<ul style="list-style-type: none"> <li>● Complete Real Property Session #3 - 15 MBE Questions</li> <li>● Complete Real Property Session #4 - 15 MBE Questions</li> <li>● Module I: View Constitutional Law Lecture Chapters 1-5</li> <li>● Module II: View Constitutional Law Lecture Chapters 6-9</li> </ul>



4	2/17	<p style="text-align: center;"><b>MBE:</b> Constitutional Law</p>	<ul style="list-style-type: none"> <li>• Complete Constitutional Law Session #1 - 15 MBE Questions</li> <li>• Complete Constitutional Law Session #2 - 15 MBE Questions</li> <li>• Module III: View Constitutional Law Lecture Chapters 10-12</li> <li>• Module IV: View Constitutional Law Lecture Chapters 13-16</li> </ul>
5	2/24	<p style="text-align: center;"><b>MBE:</b> Constitutional Law</p>	<ul style="list-style-type: none"> <li>• Complete Constitutional Law Session #3 - 15 MBE Questions</li> <li>• Constitutional Law Session #4 - 15 MBE Questions</li> <li>• Module I: View Evidence Lecture Chapters 1-5</li> <li>• Module II: View Evidence Lecture Chapters 6-12</li> </ul>
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6	3/3	<p style="text-align: center;"><b>MBE:</b> Federal Evidence</p>	<ul style="list-style-type: none"> <li>• Complete Evidence Session #1 - 15 MBE Questions</li> <li>• Complete Evidence Session #2 - 15 MBE Questions</li> <li>• Module III: View Evidence Lecture Chapters 13-16</li> <li>• Module IV: View Evidence Lecture Chapters 17-23</li> </ul>
7	3/10	<p style="text-align: center;"><b>MBE:</b> Federal Evidence</p>	<ul style="list-style-type: none"> <li>• Complete Evidence Session #3 - 15 MBE Questions</li> <li>• Complete Evidence Session #4 - 15 MBE Questions</li> </ul>
8	3/24	<p><b>BBS MBE MIDTERM (50 MBE Questions/2 hours)</b></p>	<ul style="list-style-type: none"> <li>• Module I: View Contracts &amp; Sales Lecture Chapters 1-7</li> <li>• Module II: View Contracts &amp; Sales Lecture Chapters 8-11</li> </ul>
9	3/31	<p style="text-align: center;"><b>MBE:</b> Contracts</p>	<ul style="list-style-type: none"> <li>• Complete Contracts Session #1 - 15 MBE Questions</li> <li>• Complete Contracts Session #2 - 10 MBE Questions</li> <li>• Module III: View Contracts &amp; Sales Lecture Chapters 12-15</li> <li>• Module IV: View Contracts &amp; Sales Lecture Chapters 16-21</li> </ul>

10	4/7	<b>MBE:</b> Contracts	<ul style="list-style-type: none"> <li>• Complete Contracts Session #3 - 15 MBE Questions</li> <li>• Complete Contracts Session #4 - 15 MBE Questions</li> <li>• Module I: View Civil Procedure Lecture Chapters 1-7</li> <li>• Module II: View Civil Procedure Lecture Chapters 8-11</li> </ul>
11	4/14	<b>MBE:</b> Federal Civil Procedure	<ul style="list-style-type: none"> <li>• Complete Civil Procedure Session #1 - 15 MBE Questions</li> <li>• Complete Civil Procedure Session #2 - 15 MBE Questions</li> <li>• Module III: View Civil Procedure Lecture Chapters 12-15</li> <li>• Module IV: View Civil Procedure Lecture Chapters 16-19</li> </ul>
12	4/21	<b>MBE:</b> Federal Civil Procedure	<ul style="list-style-type: none"> <li>• Complete Civil Procedure Session #3 - 15 MBE Questions</li> <li>• Complete Civil Procedure Session #4 - 15 MBE Questions</li> <li>• Module III: View Criminal Procedure Lecture Chapters 1-4</li> <li>• Module IV: View Criminal Procedure Lecture Chapters 5-9</li> </ul>
13	4/28	<b>MBE:</b> Criminal Procedure	<ul style="list-style-type: none"> <li>• Complete Criminal Procedure Session #1 - 15 MBE Questions</li> <li>• Complete Criminal Procedure Session #2 - 15 MBE Questions</li> <li>• Module I: View Criminal Law Lecture Chapters 1-6</li> <li>• Module II: View Criminal Law Lecture Chapters 7-9</li> </ul>
14	No Class; Due by 5/4*	<b>MBE:</b> Criminal Law	<ul style="list-style-type: none"> <li>• Complete Criminal Law Session #1 - 15 MBE Questions</li> <li>• Complete Criminal Law Session #2 - 15 MBE Questions</li> </ul>
<b>Final Exam (6.5 hours total + lunch)</b> <b>100 MBE Questions, 2 Essays, 1 PT</b>			

**Watch criminal law class on own and have all assignments done by 5/4**

## Western State College of Law – Programmatic Learning Outcomes

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**Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:**

### **(1) Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

### **(2) Practice Skills**

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

### **(3) Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule and be able to evaluate how public policy can impact the application of a rule to the legal issue.

#### **(4) Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

#### **(5) Communication**

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

#### **(6) Advocacy of Legal Argument**

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

#### **(7) Client Sensitivity and Cultural Competency**

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

#### **(8) Legal Ethics**

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.