

Western State College of Law
Performance Test Strategies
Online
(<https://online.wsulaw.edu>)
Fall 2026

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Course Overview

Performance Test Strategies is a course designed help you successfully approach and complete the Performance Test portion of the California Bar Exam and the Multistate Bar Exam. It is meant to bring together the analytical skills you've learned already throughout your time in law school with more practical skills like source synthesis, timed writing, and different types of typical legal documents. By the end of the course, you will be familiar with the Performance Test and strengthen your analytic skills to use in later law school courses.

Course Outcomes

With active engagement and completion of course activities, at the end of this course, students will be able to:

1. Create practical legal documents that appropriately respond to novel fact patterns with appropriate rule synthesis, corresponding analysis, and suitable formatting. (PLO2) (Practice Skills)
2. Appropriately identify legal issues and provide relevant supporting objective and predictive legal analysis by citing relevant case law, public policy, and/or interdisciplinary sources with robust analysis. (PLO3) (Legal Analysis)
3. Persuasively convey legal doctrinal analysis and positions by adherence to relevant written *discoursal* norms. (PLO5) (Communication)

Course Requirements

- **No Required Text**
- **Recommended Texts:**
 - *California Performance Test Workbook: Preparation for the Bar Exam*, Mary Basick & Tina Schindler (2019, 2nd ed.)

(This text is on reserve at the Library and in the ASP Library, so I suggest taking a look at it before you decide to purchase.)

Attendance and Participation

Much of what you learn in this class is derived from class instruction, discussion, activities, and out-of-class assignments. Hands-on learning is active learning and effective learning. Class instruction and activities will build on each other and help you learn how to successfully approach and complete a performance test exam over the course of the semester. Class discussions and activities will enable students to share their learning in a collaborative and

supportive environment. Activities outside of class (e.g., completion of PTs, self-assessments) are also a key part of learning and considered as important as in-class discussions. We'll use these to work on activities in class. As a result, it's important to participate actively and timely in the discussions, activities, and assignments.

- A note about attendance: Performance Test Strategies is a 1-credit class. *This means that students are able to miss only 1 class session without a participation points penalty. If you miss 2 or more class sessions your participation grade will be affected and you may be withdrawn from the class.* If you are in mock trial or participating in a competition and anticipate missing classes, please touch base with me to make sure that your learning is not interrupted and your participation grade is not negatively impacted.

Time Requirements for Class Participation

In addition to attending and participating in class each week, much of the work you will do over the course of the semester to perfect your approach and completion of the performance test will be outside the classroom. ABA Standard 310(b)(1) requires that students spend at least two hours of outside study time for every course credit hour. Because of the condensed time frame of this class, this means that you each week, must devote at least four (4) hours, on average, outside of the classroom, to this course. The PT and writing is hard. Everyone's learning process takes much longer than they think, so I expect you'll have to have no problem with meeting this time requirement.

Course Online Learning Logistics

Class will have two components – a synchronous or live component conducted via Zoom and an asynchronous component managed through Western State's new (and as yet to be named though suggestions are always welcome) learning management system –

<https://online.wsulaw.edu/>. Using this hybrid approach allows for the fullest learning experience.

- For Zoom, please follow the guidelines listed below.
- For the online components, you will automatically gain access to the Performance Test Strategies course when you register. Please follow the login and access instructions in the separate instructional email.

Zoom URL

- Join Zoom Meeting

<https://wsulaw-edu.zoom.us/j/86515980700?pwd=mcZ6VantgUaAnhty2KmFOEKQhPxiaa.1>

Meeting ID: 865 1598 0700

Passcode: 289999

Zoom Guidelines

- Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.

- 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 me in advance, as you would for an in-person class. (Sorry, if you're not there, I worry. Help me not worry.)
- 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 me so that we can explore other accommodations together.
- Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. All class Zoom recordings are posted the next day on our class online website.

Artificial Intelligence (AI) / Generative AI Usage

Generative AI tools, like Gemini and ChatGPT, can do your homework for you, but they cannot do your learning for you. Learning is a messy, life-long process that requires you to critically evaluate and synthesize new evidence, ideas, and opinions and then integrate new knowledge into existing schemas. This is hard work. Generative AI tools can help but they should not replace critical thinking, original contributions, and reflecting on your learning. In this course, generative AI tools can be used for brainstorming ideas, assisting in research, or editing your original work. You must use these tools responsibly. This includes inserting your human judgement and review into every step of the process. This also includes respecting copyright laws, not using AI to generate content that infringes on intellectual property rights, and most importantly don't violate the privacy rights of any Western State faculty, staff or student. This means don't upload any portion of this course content, assignment instructions, student information etc., to a generative AI tool. **Any use of generative AI must be acknowledged in your work by providing a brief description of how the AI tool was used in the creation of your work and citing the tool, as applicable.**

- **Note:** The performance tests used for class exercises are all based on actual past performance tests given to bar takers. Finding and using these tests to complete out-of-class assignments (with the use of search engines and/or AI-aided searching) is not allowed. This is considered cheating and the student may be referred to the Honor Code Committee.

Submission / Formatting Requirements

All written assignments must be turned in via our online course in the related week's assignment drop box. Because this class is very workshop driven, all assignments are due before class begins, Monday at 6:29pm.

For all assignments, please comply with the following formatting requirements:

- Typewritten, double-spaced, any standard font (e.g. Calibri, Aptos) 12-point font.
- One-inch margins for the top, bottom, left, and right margins
- Page numbers at the bottom center of each page
- If your test pages (i.e. PT pages with highlights, in-line annotations), planning notes, or scribbles are required, please take a picture of them and submit them either as a jpg, png, or pdf.

Assignments and Grades

100 points total

- 30%
In-Class Exercises Good Faith Participation (15 pts.)
Self-Assessments (15 pts.)
- 20%
In-class PT (aka “The Midterm”) (20 pts.)
- 50%
In-class PT (aka “The Final”) (50 pts.)

Just a quick note ... Self-Assessments are a very impactful way to help you learn. They allow you to examine your own learning process and the influences on and outcomes of that process. Because this is so vital in understanding who you are, it requires you to think beyond a quick knee-jerk, one-paragraph response to the prompt. I’m not looking for a novel, but I do want to help you understand and appreciate its value by expecting a substantive response.

Week	Date	Course Topics / Readings / Assignments
01	09/21/26	Topics: Introduction to the Course and the Performance Test; Beginning PT Approach Steps: Importance of PT; PT Overview; Course Organization; Practice PT Approach – Discussion of Steps and Steps 1-5 Practice with <i>In Re Rose Kingsley</i> Assignment Due for Class Read Guide to the Performance Test
02	09/28/26	Topics: PT Approach Steps: Discussion of PT Approach Steps 1-5 Debrief; Discussion of Additional Step 6 and Steps 1-6 Practice with <i>In Re Rose Kingsley</i>

		Assignment Due for Class Complete steps 1-5 for <i>Estate of Carl Rucker</i> (including all notes – typed notes, highlighted test pages, scribbles, etc.) Due on 09/28/2026 by 6:29pm submitted via online course drop box.
03	10/05/26	Topics: PT Approach Steps: Discussion of PT Approach Steps 1-6 Debrief; Discussion of Additional Steps 7 & 8 and Step 7 Practice with <i>In Re Rose Kingsley</i> Assignment Due for Class Complete steps 1-6 for <i>In Re Remick</i> (including all notes – typed notes, highlighted test pages, scribbles, etc.) Due on 10/05/26 by 6:29pm submitted via online course drop box.
04	10/12/26	Topics: PT Approach Steps: Debrief Entire <i>In Re Rose Kingsley</i> Approach and Written Answer; Self-Assessment of <i>In Re Remick</i> (#1) Assignment Due for Class Complete steps 7 & 8 for <i>In Re Remick</i> (including all notes (e.g., typed notes, highlighted test pages, scribbles) and fully written answer) Due on 10/12/26 by 6:29pm submitted via online course drop box.
05	10/19/26	Topics: PT Approach Steps: Practice of PT Approach Steps 1-7; Peer Review Exercise (Grading) Assignment Due for Class Complete full PT for <i>State of Franklin v. Hale</i> (including all notes (e.g., typed notes, highlighted test pages, scribbles) and fully written answer) • Try to complete in 2 hours; If you run out of time at 2 hours, note how far you got at the 2-hour mark, and then finish the rest of the PT untimed. Due on 10/19/26 by 6:29pm submitted via online course drop box.
06	10/26/26 *In-Person* (Mandatory) Room 107	Topics: In-Class PT (90 Minutes) (aka “The Midterm”) Assignment Due for Class Complete full PT for <i>State v. Tweedy</i> (including all notes (e.g., typed notes, highlighted test pages, scribbles) and fully written answer) AND Self-Assessment of <i>State v. Tweedy</i> (#2)

		Try to complete in 2 hours; If you run out of time at 2 hours, note how far you got at the 2-hour mark, and then finish the rest of the PT untimed. Due on 10/26/26 by 6:29pm submitted via online course drop box.
07	11/02/26	Topics: PT Approach Step / Final Tweaks: Debrief Entire “Midterm” Approach and Written Answer; Think-Pair-Share Review Exercise; Note to Future Self Assignment Due for Class Complete full PT for <i>Williams v. A1 Automotive Center</i> (including all notes (e.g., typed notes, highlighted test pages, scribbles) and fully written answer) AND Self-Assessment of <i>Williams v. A1 Automotive Center</i> (#3) Try to complete in 2 hours; If you run out of time at 2 hours, note how far you got at the 2-hour mark, and then finish the rest of the PT untimed. Due on 11/02/26 by 6:29pm submitted via online course drop box.
08	11/09/26 *In-Person* (Mandatory) Room 107	Topics: In-Class PT (120 Minutes) (aka “The Final”) Assignment Due for Class Complete full PT for <i>Vargas v. Monte</i> (including all notes (e.g., typed notes, highlighted test pages, scribbles) and fully written answer) Try to complete in 2 hours; If you run out of time at 2 hours, note how far you got at the 2-hour mark, and then finish the rest of the PT untimed.

Western State College of Law Programmatic Learning Outcomes

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.

Disability Services Statement

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 Room 276. Dean Espinoza's phone number and email address are: (714) 459-1117; 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 Halim Dhanidina at hdhanidina@wsulaw.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

***During our first class, the first person to say the word "bodacious" (e.g., this class is bodacious!) will get a \$25 Amazon Gift Card. ***