

Perspectives in Legal Analysis & Writing

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Hofstra University School of Law

Course Overview:

This course is designed to provide early preparation for the Uniform Bar Examination (UBE), an exam developed by the National Conference of Bar Examiners (NCBE) and, beginning with the July 2016 exam dates, administered in New York by the New York State Board of Law Examiners. The UBE has three components--one uses a multiple-choice format, another uses an essay format, and the third uses a performance-test format--and this course will provide strategic guidance for each of these components. Indeed, this course will be focused on the development of skills, strategies, and a strategic mindset. Without these, no examinee can optimize their exam preparation or their exam-day performance. But while this course will have a "skills first" approach, we will also substantively engage select topics of law.

This course is NOT intended to replace the need for a full bar review course; all students must take a commercial bar review course prior to the bar exam to prepare adequately for bar passage.

Materials/Resources:

Required Texts:

MBE Subjects – Outline Materials
Bar Preparation Skills and Strategies

Online Asset:

Fundamentals Course

An email from Institutional Solutions was sent to you with instructions on how to access this online resource, which includes assignments as well as a bank of questions (the QBank) for additional practice. The books are available for purchase at the bookstore.

Ensure you are familiar with all of the resources that will be used throughout the course, both hard copy and electronic. If there is something that you are not able to find, or use, please contact us.

Course Format:

The class will start with an introductory session and diagnostic. Thereafter, class sessions will tackle a combination of substance, skill, and strategy. While the course is focused on skills and strategies, the multiple-choice and essay formats of the bar exam necessarily rely on a degree of substantive knowledge. So that we can keep our focus on strategies, we will largely limit the substantive coverage of this course to key topics within the subjects of Criminal Law (Homicide), Contracts (Formation), Torts (Negligence), and Constitutional Law (Individual Rights). To facilitate our efforts, you will be asked to do a substantive review in advance of our class sessions with a particular subject focus. Additionally, certain assignments will be scaffolded, that is, the relevant rules for completing the question or questions will be provided.

Assessment of Progress:

Assessing your progress using all means at your disposal is an important part of bar exam preparation, and it will be an important part of your success in this course. This course includes a variety of resources to help you both master the substantive law and test-taking techniques and assess your progress:

1. The course text includes quizzes that you will complete on your own. Certain of these quizzes will also appear in the online asset, permitting online submission of your answers and on-going analysis of your results and progress. Assigned quizzes will be reviewed by the professor in class to reinforce both the substantive law and test-taking techniques.

Completion of these quizzes will count towards your class participation for the course. Most importantly, you should use these weekly quizzes and reviews as tools to assess your progress and your level of preparedness for the graded assessments in this course.

2. Students will also be given writing assignments (essay questions and performance test questions), which will be accessed from the online asset. Timely completion and submission of these essays will count towards students' grades. With these online submissions, you will be provided valuable online feedback. Additionally, these assignments and the feedback provided will provide fodder for several in-class exercises that we will use to further reinforce and refine your substantive knowledge and your writing skills (know-how).
3. In addition to the quiz questions provided in the course text, you will also have access to an online QBank that will allow you to practice sample multiple-choice questions in preparation for your mid-term and final exams. The results of your QBank practice can be tracked to give you a sense of how you are scoring and progressing. **Students must complete a minimum of 100 questions in the quiz bank. 50 of those questions must be completed before the midterm exam.**

Professionalism:

You are expected to conduct yourself in a professional manner during class and in your dealings with me and with your classmates. Your attendance, preparation and participation is **required** and may contribute to your final grade.

The rules of the New York State Court of Appeals, the American Bar Association, and the Law School all require law students to be in good and regular attendance in the courses for which they are registered. To comply with these rules, you must attend at least 85% of our regularly-scheduled classes. **(By my calculation, this means you may miss no more than two of the fourteen class sessions.)**

If you believe you must be absent from more than the permitted number of classes, you should contact the Office of Student Affairs as soon as possible. Accommodations may be made for students who must be absent for religious reasons and in cases of truly compelling hardship. Any request for an exception must be made to the Office of Student Affairs (not to me) and must be accompanied by appropriate documentation.

We will provide sign-in sheets for each regularly-scheduled class, which shall be the dispositive evidence regarding your absence from a given class. Each student is responsible for signing in during the class time; **you may not sign in after the class has ended.** Falsification of sign-in sheets is a violation of the Code of Academic Conduct and can lead to failing the course.

If you exceed the permitted absences by failing to sign in for more than 5 hours and 15 minutes of class time, your name will be sent to the Office of Student Affairs and you will be subject to administrative withdrawal from the class. Any such withdrawal may have serious ramifications for your financial aid, academic standing, and date of graduation.

As noted in the Student Handbook, since this is a required first year course, administrative withdrawal will result in a grade of “Administrative Failure” (AF) for the course:

“If a student is administratively withdrawn from a first year course or Constitutional Law I or II for excessive absenteeism, the student shall receive the grade of “Administrative Failure” (AF) for the course. The AF shall be treated as an F for purposes of determining the student’s GPA and for all other purposes. The transcript shall disclose that the AF was given for excessive absenteeism.”

You may receive no prior notice, so you need to keep track of your absences.

With respect to class preparation and participation, class members are expected to read and understand the assigned materials so that they may engage in an informed discussion of those materials.

Those who are late to class or unprepared may be treated as absent. We reserve the right, in our discretion, to raise or lower your grade by a +/- to reflect your attendance, preparation and participation. **You are not permitted to tape record this class.**

Office hours:

TBD

Class web page:

You are required to register on the TWEN site for this class with an email address that you check regularly; go to www.lawschool.westlaw.com and select "TWEN" from the menu of items along the top of the page next to the current date. You will then be asked for your Westlaw password and for registration information (including your email address – this need not be the address issued by the Law School). To maximize the effectiveness of the TWEN system, please be sure to provide all requested information. You will then be given the opportunity to register for the TWEN website dedicated to this course (by choosing "Drop/Add a Course"). The website facilitates the exchange of ideas and provides interested students with an opportunity to participate in online discussions. Registration and participation are an essential part of this course.

Students should check the website regularly throughout the semester. We will post the slides for class on TWEN under the "slides" tab.

Learning objectives:

The following should be your goals as students. They are the benchmarks against which you will be evaluated throughout this course. The following learning objectives describe what should you have achieved by the end of the semester.

1. Understanding Rules of Law—Mastery of specific rules of law.
 - a. Identification of the elements of several causes of action tested on the bar.
 - b. Ability to effectively use these rules on MCQs and essays.
2. Rule Analysis—Ability to read and understand fact patterns and apply the rules of law to the facts presented.
3. Legal Problem Solving—Successful application of case precedent, the law and statutes to a fact patterns.
 - a. Identification of legal issues in simple and complex fact situations.
 - b. Identification of the relevant legal authority and policy.
4. Legal Argument and Drafting—Structuring of a persuasive argument, using the relevant facts and applicable law.
 - a. Identification of the relevant legal issues.
 - b. Identification of the relevant facts, authority, and policy.

- c. Support of your position with facts, authority, and policy.
 - d. Ability to distinguish unfavorable facts, authority, and policy.
5. Critical Thinking—Incorporation of policy rationales and critiques into your everyday legal work.
 - a. Evaluation of cases, rules, statutes, arguments, documents
 - b. Lawyering Skills—Learn the strategies needed for effective legal arguments and analysis in both multiple-choice questions and essays.
6. Communication – Improved written communication.
 - a. Organization (both macro and micro) of elements of your argument.
 - b. Development of a clear and succinct writing style.
 - c. Ability to tailor tone of writing based on purpose and audience.

GRADES

This class will follow Hofstra Law’s grading policies. The course text includes quizzes, which you will complete on your own for classroom participation. These weekly quizzes will be reviewed by the professor in class to reinforce the material and the test-taking techniques. There will also be several required writing assignments that will be assigned. These essays will be returned to the students with comments and will be factored into final grades. Students will write several essays and a full performance test throughout the course of the class. The overall grade will be derived from the following 600 total points

Midterm- 200 Points:

Final- 300 Points:

Assignments- 100 points

- Criminal Law Essay (10 points)
- Mini Performance Test (10 points)
- Contracts Essay 1 (10 points)
- Contracts Essay 2 (10 points)
- Torts Essays (10 points)
- Performance Test (10 points)
- Constitutional Law Essay (10 points)
- QBank Questions (10 points)
- Class Participation (20 points)

The midterm and final exams make up 5/6 of the score, and an additional 1/6th of the score comes from Assignments and Class Participation. Note that all Assignments MUST be timely submitted through the instructions provided by the professor in class. Failure to submit an assignment on time or in a form other than as directed by the professor will result in receiving NO CREDIT on that assignment.

Hours of Work per Week: The American Bar Association requires that you spend at least six hours per week, on average, outside of class studying for this 3-credit course. This is in addition to the three hours a week we spend in class. (The ABA has a formula for determining the requirement. In other courses, the required number of out-of-class hours may be different.)

SYLLABUS

I RESERVE THE RIGHT TO ALTER THE SYLLABUS IN THE BEST INTEREST OF THE CLASS. ANY CHANGES WILL BE SHARED IMMEDIATELY.

Session 1: Introduction and Diagnostic

Date: January 12, 2017

During this session students will be introduced to the notion of a ‘strategic mindset’ and how it is relevant to optimizing both test-prep efforts and exam-day performance. Concurrently, a range of misconceptions about learning and the bar exam will be constructively undermined and replaced with a framework better suited to the students’ goal of passing the bar exam.

Also, as part of this session, students will take a pre-test, or diagnostic exam. This diagnostic will provide students and teacher alike with a status report about relative strengths and weaknesses as they pertain to the substance and skills relevant to the bar exam.

Assignment for next week:

- In your MBE Subjects book, read pages 298-317 dealing with Criminal Law topics (*General Principles* and *Crimes Against The Person*).

Session 2: Substance and Skills 1

Date: January 19, 2017

Substantive Focus: Criminal Law- General Principles and Homicide

Skills Focus: MCQ and Essay

Assignments for next week:

- Complete—and submit online—the Criminal Law Essay ON OR BEFORE 1/25.
- Complete—and submit online—Checkpoint Quiz 1 in Criminal Law ON OR BEFORE 1/25.

IMPORTANT: There is no class 1/26.

Session 3: Substance and Skills 2

Date: February 2, 2017

Substantive Focus: Criminal Law- General Principles and Homicide

Skills Focus: MCQ and Essay

Assignments for next week:

- Review an MPT packet for next class session. (Further instructions will be provided by the professor.)
- *Get a head start on our next substantive topic.* In your MBE Subjects book, read pages 160-191 dealing with Contracts topics (*Sources of Law, Offer & Acceptance, Consideration & Promissory Estoppel*).

Session 4: Skills and Strategies 1

Date: February 9, 2017

Skills Focus: Performance Test

Assignments for next week:

- Complete—and submit online—the Mini-PT labeled “XP13JUL003” ON OR BEFORE 2/15.
- In your MBE Subjects book, read pages 160-191 dealing with Contracts topics (*Sources of Law, Offer & Acceptance, Consideration & Promissory Estoppel*).

Session 5: Substance and Skills 3

Date: February 16, 2017

Substantive Focus: Contracts- Formation

Skills Focus: MCQ and Essay

Assignments for next week(s):

- Complete—and submit online—Contracts Essay 1 ON OR BEFORE 2/22.
- Complete—and submit online—Checkpoint Quiz 1 in Contracts ON OR BEFORE 2/22.

Session 6: Substance and Skills 4

Date: February 23, 2017

Substantive Focus: Contracts- Formation

Skills Focus: MCQ and Essay

Assignment for next week:

- Prepare for the Midterm

Session 7: Midterm

Date: March 2, 2017

Any questions regarding substance and coverage should be addressed to Professor Maze. Any issues regarding exam accommodations should be addressed to the Registrar.

Assignments for next week:

- *Get a head start on your next essay submission.* Complete—and submit online—Contracts Essay 2 ON OR BEFORE 3/15.
- *Get a head start on our next substantive topic.* In your MBE Subjects book, read pages 579-614 dealing with Torts topics (*Negligence*).

Session 8: Midterm Review

Date: March 9, 2017

Assignments for next week:

- Complete—and submit online—Contracts Essay 2 ON OR BEFORE 3/15.
- In your MBE Subjects book, read pages 579-614 dealing with Torts topics (*Negligence*).

Session 9: Substance and Skills 5

Date: March 16, 2017

Substantive Focus: Torts- Negligence

Skills Focus: MCQ and Essay

Assignments for next week(s):

- Complete—and submit online—the Torts Essay ON OR BEFORE 3/22.
- Complete—and submit online—Checkpoint Quiz 1 in Torts before ON OR BEFORE 3/22.

Session 10: Substance and Skills 6

Date: March 23, 2017

Substantive Focus: Torts- Negligence

Skills Focus: MCQ and Essay

Assignments for next week:

- Review an MPT and, for next class session, prepare an outline of the issues presented. (Further instructions will be provided by the professor.)
- *Get a head start on our next substantive topic.* In your MBE Subjects book, read pages 106-156 dealing with Constitutional Law topics (*Individual Rights*).

Session 11: Skills and Strategy 2

Date: March 30, 2017

Skills Coverage: Performance Test

Assignments for next week:

- Complete—and submit online—the PT labeled “EP13JUL004” ON OR BEFORE 4/5.
- In your MBE Subjects book, read pages 106-156 dealing with Constitutional Law topics (*Individual Rights*).

Session 12: Substance and Skills 7

Date: April 6, 2017

Substantive Focus: Constitutional Law- Individual Rights

Skills Focus: MCQ and Essay

Assignments for next week:

- Complete—and submit online—the Constitutional Law Essay ON OR BEFORE 4/19.
- Complete—and submit online—Checkpoint Quiz 1 in Constitutional Law ON OR BEFORE 4/19.

IMPORTANT: There is no class 4/13.

Session 13: Substance and Skills 8

Date: April 20, 2017

Substantive Focus: Constitutional Law- Individual Rights

Skills Focus: MCQ and Essay

Assignment for next week:

- Initiate review process, identify areas of concern (aka, areas of weakness or, better yet, areas of opportunity), prepare questions for purposes of seeking clarification regarding matters of substantive law (knowledge) and matters of skill/strategy (know-how).

Session 14: Final Review

Date: April 27, 2017

In this session, we will review substance, skills, and strategies both for the final exam ... and beyond.