INSTRUCTOR – Adjunct Prof. C. Reid Flinn: crflinn@gmail.com

MEETING TIMES & CLASSROOM – Tuesdays from 6:00 - 8:50 PM

COURSE DESCRIPTION
“Legal Fundamentals,” Law 178-001 (3 hrs.)
Open to students in their final year. This course will introduce students to the substantive knowledge, thought process, and writing skills needed for success on the Virginia Bar Exam. The learning methodology will be iterative, consisting of substantive lectures and materials followed by practice-testing and analysis. The course will begin by reviewing the Multistate Bar Examination (MBE) subjects; the majority of the course will then cover heavily-tested Essay Examination subjects. Although designed to meet the particular needs of Virginia applicants, much of the substantive coverage will be relevant for other jurisdictions as well. Practice-testing will include actual MBE and Essay Examination questions, and all substantive materials will be written by the instructor specifically for this course. Students will be able to monitor their progress during the semester, both individually and relative to their peers. All students will also meet individually with the instructor to discuss their progress and specific steps they can take to maximize their odds on the Bar Exam. Grading will be Pass/Fail based on timely and complete submission of assignments. Students will be expected to complete weekly assignments and are advised to plan their time accordingly.

LEARNING OUTCOMES
1. Students will understand the format, administration, scoring, and substantive coverage of the Virginia Bar Examination.
2. Students will learn the most-tested rules of law on the MBE and the Essay Exam.
3. Students will become familiar with MBE and Essay Exam questions and will improve their ability to reason to a correct answer.
4. Students will learn to manage weekly assignments within a limited time budget.
5. Students will quantify their progress over the semester, both individually and vs. peers.
6. Students will understand how to make optimal use of their time during Bar Exam review.
7. Students will understand how to use their course materials to augment their commercial Bar review materials.
8. Students will identify specific areas for individual improvement.
ACCESS TO PROFESSOR
This course will cover a great deal of material, especially during the weeks devoted to the Essay Examination, and I will do everything I can to help you succeed.

I prefer to answer questions in person whenever possible, and I encourage you to take advantage of my availability. I am normally in the adjunct faculty office (Room 433-M) before class.

If you have a question that cannot be answered in person, I am also available most weekday evenings by email. Please understand that I am usually meeting with Bar Exam applicants or teaching classes during business hours, so it may be the following weekday evening before I am able to respond. Please also note that I normally do not check email on Sundays.

TWEN SITE & EMAIL ADDRESS
This course has a TWEN site. Sign on before the first class. Please enter an email address you check regularly, since I will use TWEN group email to communicate any announcements.

NAME CHANGES
If you are planning to change your name, please let me know.

REQUIRED MATERIALS
You will need to pick up two ring binders of course materials from Print Services before our first class meeting. There is a materials fee, and you will need to sign for your binders.

- **Binder 1** contains lecture handouts. I will hand out model essay answers in class after we review each essay question, as well as a final substantive handout in Week 14.

- **Binder 2** contains 400 released MBE questions and answers (Online Practice Exams 1-4), which the law school has licensed from the National Conference of Bar Examiners.

There is also one supplemental book for this course: *Questions & Answers: Civil Procedure, 4th ed.*, LexisNexis, 2015 (“Civ Pro Q&A”), which you will use for additional practice. If you already have an unmarked copy, there is no need to buy another.

Do not look at the practice questions or answers in advance; they will be weekly assignments.

Bring your materials as follows:
- Weeks 1, 5-12, and 14: bring Binder 1
- Weeks 2-4: bring Binders 1 and 2
- Week 13: bring only laptop, pen, and pencil – no materials needed

MATERIALS ON PERMANENT RESERVE
- *Virginia Law and Practice: A Handbook for Attorneys, Virginia Law Foundation*
- *Virginia Civil Procedure, Sinclair & Middleditch*
- The *Examples & Explanations* series
- The *Questions & Answers* series
- *Strategies & Tactics for the MBE*
ADDITIONAL RESOURCES
Our TWEN site has links to several valuable resources which we will discuss.

CALLING ON STUDENTS
I may call on you in class, in random order.

GRADES
This is a pass/fail course carrying three credit hours. There is no midterm exam, final exam, or research assignment. Instead, students who comply with the “Student Responsibilities” listed below will receive a grade of “CR” (credit); students who do not will receive a grade of “NC” (no credit).

STUDENT RESPONSIBILITIES
1. Attendance and punctuality
   Academic Rule 4-1.1 provides that a student who misses more than five classes is not eligible for credit under any circumstances.

   Attendance is particularly important in this course due to the iterative learning model. For this reason, the policy of this course is that a student who misses four or more classes for unexcused reasons will not receive credit (no substituted work will be permitted). Excused absences will apply only to circumstances such as serious illness or family emergency and will be determined at my discretion.

   Punctuality is expected as a matter of courtesy. Please arrive a few minutes before class begins if possible. If you must arrive late or leave early, please do so quietly so as not to disturb others.

2. Assignments
   The ability to meet challenging deadlines is a core competency in Bar Exam success. For this reason, you will have assignments due each week. Since this is a 3-credit course, you will have at least six (6) hours of assignments per week; the Detailed Syllabus (see below) includes an estimated minimal allocation of time per assignment. You will derive more benefit from doing the assignments throughout the week than waiting until the last day.

   The TWEN Calendar shows all assignments and due dates. (Note: select “Actions... “View as List” and enter date parameters to see all assignments.) Assignments will also appear in the TWEN Assignment Drop Box weekly. I suggest you enter all assignment deadlines in your personal calendar and block off weekly time for studying and for completing assignments.

   Unless indicated otherwise, assignments are due by 8:00 AM Monday after each class. You bear the risk of technology-related issues.

   You are responsible for managing your assignments without reminders from me. TWEN time-stamps assignment submissions, so you have the full access to your assignment submission history. Please do NOT email me to confirm timely submission of assignments or to check ‘strikes;’ it is not feasible to respond to such emails.

   Effective with assignments due Monday, September 5, this course will follow a “3-strikes” policy: Unless you have a prior written extension from me, if you have three (3) or more weeks in which any assignment is not received timely and in full, you will fail the course.

Last updated 8/11/16
If you miss class, you are still responsible for all assignments unless you have a prior written extension from me. You may wish to have a classmate pick up your handouts. I will leave any uncollected handouts in my adjunct mailbox (in the 3rd floor faculty suite). Please do not email me to request handouts from missed classes.

The Detailed Syllabus lists recommendations for extra work each week. Although not required to pass this class, I strongly encourage you to devote as much additional time as possible, including completing all “Recommended” work! The harder you work now, the better your odds of passing the Bar Exam.

3. Individual Conference
Each of you will meet with me privately toward the end of the semester to discuss your progress and identify specific steps you can take to maximize your odds of passing the Bar Exam. A sign-up sheet will be posted on TWEN. Attending this conference punctually and prepared is a requirement for passing the course.

4. Computer/cell phone policy
Computers may be used for current classwork only. You will need a computer only for answering in-class essay questions during Weeks 5 and 13. Otherwise, your computer will have little if any benefit and is a potential distraction. I reserve the right to prohibit computers at my discretion. Please turn off cell phones before class begins. If you need to use your phone, please do so during the breaks or outside the classroom.

5. Recording of class lectures
Recording by students of classroom lectures or discussion is prohibited and will be treated as a violation of the Honor Code (see below).

6. Copying/distribution of class materials
Copying or distribution of class materials is prohibited and will be treated as a violation of the Honor Code (see below).

7. Honor Code
In addition to the requirements mentioned above, academic honesty requires that all coursework must be completed alone and “closed-book” unless instructed otherwise.

DISABILITY ACCOMMODATIONS
Questions regarding accommodations should be directed to the Director, Student Records and to the Director, Student Academic Affairs.

“SNOW DAYS”
If a class meeting is cancelled due to inclement weather or for another reason, I will record that class and post the audio recording plus any supporting documents on TWEN. Please contact tech support personnel with any technology-related questions. In the event of a “snow day,” assignment deadlines will be unchanged unless I notify you otherwise.

Last updated 8/11/16
PRACTICE-TESTING

Rationale
In my experience over the past 20+ years, practice-testing is the most significant correlation to Bar Exam outcomes. You will therefore have the opportunity to work 400 MBE questions, 339 additional Federal Civil Procedure multiple-choice questions, and 23 Virginia Essay Exam questions (including several sets of “short-answer” questions) over the semester.

MBE
The MBE tests generic rules of foundational subjects in a multiple-choice format in less than two minutes per question. Most applicants respond well to a moderate amount of initial study followed by a daily regimen of self-directed practice-testing (working questions + reviewing answer explanations). The amount of practice needed varies, but most Virginia applicants should plan for 2-3 hours/day, 6 days/week, for 2-3 months after completing this course.

As we refresh your knowledge of the MBE subjects, you will begin working MBE questions and reviewing the answer explanations on your own as weekly assignments. You will use the four Online Practice Exams (OPE1-4; in Binder 2) and your Civ Pro Q&A as practice. After you review the answer explanations, you will use the MBE evaluation form (see below) to help learn from your mistakes.

To reiterate: sufficient daily practice over time is the key to scoring well on the MBE.

Virginia Essay Exam
Virginia tests more subjects than any other jurisdiction, and Virginia Essay Exam questions require much more detailed knowledge than MBE questions. Because the Virginia Essay Exam accounts for 60% of the final score, each essay question carries significant upside and downside potential. Essay practice-testing also consumes substantial time.

As a result, Virginia applicants are often overwhelmed by the necessity of learning a great deal of information as well as doing sufficient practice-testing – all in a short timeframe. We will therefore cover as many frequently-tested substantive topics within the constraints of a 3-credit academic course. The Essay-specific weeks will be time-consuming; please plan accordingly.

To reiterate: scoring well on the Virginia Essay Exam requires two tasks: detailed substantive knowledge of many subjects and sufficient practice over time.

Logistics
Submit your essay answers as Word documents (if you prefer to hand-write, then scan and submit as PDF’s). Do not submit the questions, just your answers. Include your name.

It is important to work both MBE and essay questions under realistic conditions:

- Work all questions closed-book: no notes, handouts, or outlines.
- Work alone: no study partners.
- Allocate enough uninterrupted time: at least 30-40 minutes per essay question, 30 minutes per 17 MBE questions, etc. If you run out of time, so indicate, but keep working and finish the question(s).
- Print essay questions and work from a hard copy so you can make marginal notes.

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**MBE and Essay evaluation forms**
These are easy-to-use tools intended to help you notice patterns in your reading and thinking, thereby reducing mistakes. You will complete evaluation forms on your own as weekly assignments.

**INDIVIDUAL FEEDBACK**
One of the most valuable and popular features of this course is the opportunity to quantify your progress over time. This lets you see where you stand versus your peers, work on your weaknesses in advance, and avoid mismanaging your study time during the summer. You will receive individual feedback in two ways: by tracking your scores and your success in meeting deadlines each week, and by attending an individual conference with me.

**“Progress Tracker”**
The Progress Tracker is a spreadsheet into which you will enter your scores to MBE questions and graded essay questions, as well as your success in meeting weekly deadlines. As you type in your scores each week, the Progress Tracker will calculate your running average. [Note: To maintain accurate weighting among the 7 MBE subjects, only scores from Questions 262-329 in your *Civ Pro Q&A* will be included in your running average.]

The MBE evaluation form includes a field at the top of the page for reporting your percentage correct on that question set. Enter your percentage correct into your Progress Tracker after completing each MBE evaluation form. **Keep your Progress Tracker updated.**

**Essay scores**
To give you realistic feedback, several of your essay answers will be graded (on the 10-point Virginia scale), marked with coded comments, and returned the next class. The Comment Key is in Binder 1, Tab 7. After you receive an essay score, enter the score in your Progress Tracker.

**Scores to graded essay questions and success in meeting weekly assignment deadlines have been consistently accurate predictors of Bar Exam outcomes.** I will therefore let you know the average, high, and low scores to each graded essay question, as well as the final cumulative scores (during Week 14). I will report individual and aggregate score data and deadline data to the Deans, but to respect your confidentiality I will not mention score data or deadline data by name in class.

**Individual conferences**
As mentioned above, each of you will meet privately with me toward the end of the semester. Our meeting will be confidential.

Experience indicates that individual conferences can be extremely useful. This is your opportunity to have a candid discussion about your strengths and weaknesses, your study plans, and specific steps you can take to increase your chances of passing the Bar Exam.

**Bring with you to your conference:**
1. A hard copy of your up-to-date Progress Tracker
2. Your projected daily Bar Exam study schedule (be specific!) and lecture syllabus (if taking a review course)
3. Whatever questions you have (about practice essays, time management, or otherwise)

_Last updated 8/11/16_
## SUMMARY OF SYLLABUS  *(subject to change; any updates will be posted on TWEN)*

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<thead>
<tr>
<th>Class #</th>
<th>Date</th>
<th>Class activities</th>
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<tbody>
<tr>
<td>1</td>
<td>Tues., Aug. 23</td>
<td><strong>Intro:</strong> About the Va. Bar Exam; sample MBE Q’s; sample essay Q; Syllabus</td>
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<td>2</td>
<td>Tues., Aug. 30</td>
<td>MBE: Torts lecture; Crim Law/Crim Pro lecture; work/review Q’s</td>
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<td>3</td>
<td>Tues., Sept. 6</td>
<td>MBE: Con Law lecture; Contracts/Sales lecture; work/review Q’s</td>
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<td>4</td>
<td>Tues., Sept. 13</td>
<td>MBE: Evidence lecture; Real Property lecture; work/review Q’s</td>
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<td>5</td>
<td>Tues., Sept. 20</td>
<td>MBE/Essay: Federal Civ Pro lecture (2 hrs.); work/review Q1</td>
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<td>Essay: Virginia Civ Pro lecture (3 hrs.)</td>
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<td>7</td>
<td>Tues., Oct. 4</td>
<td>Essay: Review Q’s 2-3; Real Property/Equity lecture (2 hrs.)</td>
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<td>8</td>
<td>Tues., Oct. 11</td>
<td><strong>[Monday schedule – no class; study on your own]</strong></td>
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<td>9</td>
<td>Tues., Oct. 25</td>
<td>Essay: Review Q8; review Q’s 9-10; Negotiable Instruments lecture</td>
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<td>10</td>
<td>Tues., Nov. 1</td>
<td>Essay: Review Q’s 11-12; work/review Q13; Crim Law/Pro lecture (1.5 hrs.)</td>
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<td>11</td>
<td>Tues., Nov. 8</td>
<td>Essay: Review Q’s 14-15; Wills/Trusts lecture (2 hrs.)</td>
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<td>12</td>
<td>Tues., Nov. 15</td>
<td>Essay: Review Q’s 16-18; Creditor’s Rights lecture, Secured Trans. lecture</td>
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<tr>
<td>13</td>
<td>Tues., Nov. 22</td>
<td>MBE/Essay: “Mini-Exam” (3 hrs.)</td>
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<td>14</td>
<td>Tues., Nov. 29</td>
<td>Essay: Review essay/short-answer Q’s from Mini-Exam; “Core Concepts” handout; Bar review time management; summary of course</td>
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<td></td>
<td>Dates/times TBD</td>
<td>Individual Conferences – sign-up sheet will be posted on TWEN</td>
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