

## UC Hastings Courses that Cover CA Bar Exam Subjects and Skills

### \*\* Essay and Multistate Bar Examination Subject

<b>CA Bar Exam Subjects and CA Bar Exam Skills</b>	<b>UC Hastings Courses</b>
<b>Constitutional Law**</b>	<p><b>Constitutional Law I:</b> Introduces and examines the structural provisions of the Constitution of the United States. The course focuses particularly on the provisions of the original Constitution. Topics covered in this course include judicial review and limits on judicial power, federalism and the powers of Congress, the dormant commerce clause, and the separation of powers.</p> <p><b>Constitutional Law II:</b> This course studies the protection of individual rights and examines substantive due process, procedural due process in non-criminal cases and in exercises of governmental power, equal protection of the laws, freedom of speech and press, and freedom of religion.</p> <p><b>Constitutional Law II: Law and Process:</b> The course builds on Constitutional Law I and studies the protection of individual rights. The course will focus on the First Amendment, the Fifth Amendment, and the Fourteenth Amendment, concerning Equal Protection of the law, substantive due process, procedural due process, freedom of speech and press, and freedom of religion. This course will also provide several opportunities for students to complete skill-building exercises and receive individualized feedback. These exercises will allow students to improve on several of the qualities needed for success on the Bar Exam and in practice, including: understanding and applying cases, effective organization, issue analysis, writing for exams and for practice, and other forms of presenting legal predictions and arguments. Though the course is open to all upper-division students, enrollment will be capped to maximize the collaborative and individualized aspects of the course.</p> <p><b>Constitutional Law III:</b> The law of federal judicial power revolves around two constitutional principles: separation of powers and judicial federalism. Separation of powers refers to the allocation of decision-making authority among the coordinate branches of the federal government. Judicial federalism refers to the allocation of power between federal courts and state courts. Thus, this is a course about the role of federal courts in the American political system. The course covers the so-called "justiciability" doctrines—standing, mootness, ripeness, and political questions. These doctrines aim to keep litigants out of federal court when they lack a concrete personal stake in the controversy, or when the subject matter is inappropriate for judicial resolution. The course also looks at judicial and</p>

	<p>congressional control of federal court jurisdiction. A major focus of the course is § 1983, which authorizes suits against state officials, and common impediments to such actions, such as the Eleventh Amendment.</p>
<p><b>Contracts**</b></p>	<p><b>Contracts I:</b> This course introduces and explores the function of contracts in a free enterprise economy. It covers the evolution and application of common law doctrines and, where applicable, those provisions of the Uniform Commercial Code governing the contracts process, including mutual assent, consideration, reliance, conditions, interpretation of contract language, performance and breach, remedies, impossibility and frustration, beneficiaries, and assignments.</p> <p><b>Contracts II:</b> This course builds on the foundation established in the basic Contracts course and introduces students to some areas of advanced commercial law. The course addresses some or all of the following topics: Issues of public policy (illegal or invalid contracts); third parties in contract law (assignment and delegation, third-party beneficiaries, negotiability, suretyship); intersection of contract and tort (fraud and misrepresentation, inducement of breach and wrongful interference); current developments in contracting law and practice (consumer adhesion contracts, electronic contracting, unconscionability).</p> <p><b>Sales and Lease of Goods:</b> This course covers contracts for the sale and lease of goods under Articles 2 and 2A of the Uniform Commercial Code.</p>
<p><b>Criminal Law** and Criminal Procedure**</b></p>	<p><b>Criminal Law I:</b> This course introduces students to the principles and objectives of the criminal law and to explore its utility and limitations as a means of social control. The course covers general common law elements and principles, including actus reus and mens rea; general defenses, including insanity, ignorance and mistake, duress, self-defense, defense of others and of property, necessity, and entrapment; the criminal capacity of children and of corporations; theories of liability for various parties to crime; and vicarious strict liability. The focus is on the major common law felonies of theft, homicide, and rape; the inchoate offenses of conspiracy, attempt and incitement; and modern extensions of criminal liability by legislation.</p> <p><b>Criminal Procedure:</b> A study of the fundamental aspects of criminal procedure. Emphasis will be given to judicial control of police practices by means of the exclusionary rule, including search and seizure, and police interrogation. Consideration also will be given to fundamentals of procedural due process, including defendant's privilege against self-incrimination, the right to counsel, right to jury trial, and former jeopardy. Additional topics may include pretrial and trial processes, such as the decision to prosecute, grand jury, preliminary examination, joinder and severance, bail, discovery, plea bargaining, and the right to</p>

	<p>confront and cross- examine witnesses. Students contemplating obtaining judicial externships in their fourth to sixth semesters should be aware that many judges require externs to have completed Criminal Procedure.</p> <p><b>Criminal Procedure the Adjudicative Process:</b> This course would complement the 3- and 4-unit Criminal Procedure classes. Focusing on the process from “bail-to-jail”, the class covers: grand jury proceedings, preliminary hearings, bail and bail- setting decisions, preventive detention, discovery processes, plea bargaining and guilty pleas, the right to a speedy trial, joinder and severance, constitutional proof requirements, jury selection and composition, jury deliberations, jury instructions and verdicts, defendant’s right to participate in trial and trial in absentia, the right to effective assistance of counsel, self-representation, sentencing, double jeopardy, and post-conviction challenges (appeals, new trial, collateral attacks, habeas corpus). Overlap with Criminal Procedure is minimal.</p>
<p><b>Evidence (Federal** and California)</b></p>	<p><b>Evidence:</b> The law of evidence, including relevancy, hearsay, judicial notice, burden of proof, and presumptions; functions of judge and jury; competency and privileges of witnesses; principal rules of admissibility and exclusion of testimony of witnesses and documents. Special emphasis is given to the California Evidence Code and the Federal Rules of Evidence.</p>
<p><b>Federal Civil Procedure**</b></p>	<p><b>Civil Procedure I:</b> Civil Procedure I explores civil litigation from the inception of a suit through trial and appeal. This course typically considers service of process, pleadings, discovery, pretrial, trial itself (with or without a jury), appellate review and preclusion. This course will also introduce personal and subject matter jurisdiction, and the “Erie Problem”.</p> <p><b>Civil Procedure II:</b> This course builds on Civil Procedure I by covering key subjects of special importance to litigators. These include choice of forum which addresses questions concerning a court’s power to hear a particular dispute, and the parties’ options in selecting between or among courts. Topics usually covered include further in- depth treatment of jurisdiction, as well as venue, forum non conveniens, and rules governing joinder of multiple parties and multiple claims. The subjects also include choice of law, which involves questions about which forum’s law will apply to a particular dispute. Topics usually covered include when state or federal law applies (i.e., in-depth treatment of the “Erie Problem”), when the law of different states or nations may apply (i.e., conflicts of law), and advanced issues in the law of preclusion.</p> <p><b>Civil Procedure II: Law and Process:</b> This course is a hybrid: It is a doctrinal course covering the topics typically addressed in Civil Procedure II; it is also a skills course that teaches legal analysis. The course builds on Civil Procedure I by exploring the fundamentals of civil litigation in the Federal Courts. Topics</p>

	<p>include the circumstances under which the chosen forum has the authority to hear the particular dispute in question (personal jurisdiction); the parties’ options in selecting between or among courts (subject-matter jurisdiction); further restrictions on the location of the forum (i.e., venue, transfer of venue, and forum non conveniens); establishing the structure and size of the dispute (i.e., rules governing joinder of multiple parties and multiple claims); determining what law applies when a federal court presides over state law diversity actions (i.e., in-depth treatment of the “Erie Problem”), and choosing among the possibly pertinent laws of different states. At the same time, this course will also focus on analytical skill building, and is designed to help students master the reading, sorting, synthesizing, and arguing skills that lawyering demands. Students will receive frequent individualized feedback on their analytical writing. They will regularly tackle oral and written problems, providing repeated opportunities to work on enhancing their abilities to read and synthesize cases, to formulate effective legal arguments, and to write good essay exam answers that adhere to the IRAC format-i.e., learning techniques that can be readily applied across their coursework.</p>
<p><b>Torts**</b></p>	<p><b>Torts:</b> This course examines the body of law directed toward the compensation of individuals for injuries to their protected legal interests. It includes liability for negligence and for intentional interference with person or property, and liability without fault (“strict liability”). Covered are doctrines including duty, breach of duty, causation, damages, and defenses. Other issues covered may include nuisance, misrepresentation, defamation, and alternative compensation schemes.</p> <p><b>Torts II: Law and Process:</b> This course is part of UC Hastings’s suite of hybrid “law and process” courses. Doctrinally, it covers bar-tested topics beyond the first-year Torts course – property torts, defamation, invasion of privacy and economic torts like fraud and interference with contract– and extends the first-year course’s coverage of intentional torts, negligence and strict liability into more complex areas. At the same time, the course will prepare you for practice (and the bar exam) through a series of written and oral exercises -- with frequent individual feedback -- that focus on improving your skill at spotting issues, synthesizing rules and analyzing issues effectively, with special emphasis on the types of analysis characteristic of tort law: working with multi-factor tests, applying vague standards like reasonableness, and integrating policy into a legal argument. Finally, the course will examine how specific tort doctrines intersect with selected doctrines from civil procedure, contracts, constitutional law, remedies, evidence and insurance law. Enrollment will be limited.</p>
<p><b>Real Property**</b></p>	<p><b>Property:</b> This course introduces and examines concepts of property ownership, possession, and transfer. It includes acquisition and protection of personal property; estates in land including present, concurrent, and future interests; leasehold</p>

	<p>estates; easements, covenants, and private controls of land use; some aspects of real property transfers, including deeds, descriptions, recording and priority, and the real estate contract; and an introductory treatment of nuisance, zoning and other public controls of land use.</p>
<p><b>Business Associations</b></p>	<p><b>Business Associations and Introduction to Federal Securities Law:</b> This course involves an analysis of the law of the creation of, and relationships arising from, corporations, sole proprietorships, partnerships, limited partnerships, limited liability companies and limited liability partnerships, along with agency and fiduciary relationships and governance of these business entities in the modern business setting. The legal duties of directors, managers and majority shareholders to minority shareholder and owners are explored in relation to procedural issues governing the vindication of such shareholder and owners' rights. This course includes a general introductory overview of the Securities Act of 1933 and the Securities Exchange Act of 1934 in connection with the public offering of securities and antifraud prohibitions.</p>
<p><b>California Civil Procedure</b></p>	<p><b>California Civil Procedure:</b> This course will focus on how a civil lawsuit progresses through the California state court system, from the pre-complaint stage through appeal. The course will emphasize distinctive aspects of California procedure in areas such as subject matter jurisdiction, pleading, motion practice, discovery, jury trial, and appellate practice. The course will also analyze those features of California procedure that contrast sharply with federal practice.</p>
<p><b>Community Property (California)</b></p>	<p><b>California Community Property:</b> This course focuses specifically on California Community Property law, as it is practiced in California courts. Course materials cover the California Family Code as interpreted by California courts of appeal and the California Supreme Court. Topics include property acquisition during marriage property characterization at dissolution, fiduciary duties between spouses, registered domestic partnership, nonmarried cohabitancy, contracting between intimates before and during marriage, the intersection between domestic violence and community property law, and control of genetic and intangible materials. The goals of this class are to prepare students for a bar exam question on the topic and to introduce students to the body of California law that governs property acquisition during the continuance of an intimate relationship.</p> <p><b>Community Property:</b> This is a comparative law course that places California Community Property law in a national and global context. For each topic, students are introduced to an active, present-day similarity and difference between the California community property system and another marital property system. Systems used for comparison are the majority common law system, the other U.S. community property states, and (where relevant and as time allows) other countries that rely on</p>

	<p>community property law. Topics include property acquisition during marriage, property characterization at dissolution, fiduciary duties between spouses, marital options including registered domestic partnership and nonmarried cohabitancy, contracting between intimates before and during marriage, the intersection between domestic violence and community property law, and control of genetic and intangible materials. This course will go a long way toward preparing a student for a bar exam; however, the primary goal is to foster a deeper understanding of California’s unique community property system relative to other marital property systems.</p>
<p><b>Remedies</b></p>	<p><b>Remedies:</b> The course in remedies focuses upon the nature and scope of relief that a court may grant a party who has established its entitlement to a substantive right. In examining what courts may do for a winning litigant, and to the loser, the remedies course primarily asks three questions: 1) What is the remedy supposed to accomplish? 2) To what extent do judges have discretion in formulating a remedy in individual cases? And 3) How should the exercise of that discretion be controlled? These questions are explored in the context of traditional judicial remedies such as damages in tort and contract cases, restitution, punitive remedies, declaratory relief and coercive remedies in equity. The context in which these remedies are explored will vary according to the instructor. Some sections of the course focus on private litigation. Other sections, while covering private law remedies as a matter of course, place particular emphasis on the remedies available in public law cases, that is, on cases enforcing important constitutional and statutory rights.</p> <p><b>Remedies: Law and Process:</b> This class is a functional approach to Remedies, a topic that plays a major role on the bar exam and in the practice of law. This course will provide reinforcement in four subjects—Contracts, Torts, Property, and Constitutional Law—incorporating both substantive review and explanation of the types of relief and remediation available in each of those areas. The course uses a casebook approach supplemented by weekly in-class writing exercises designed to equip students with the skills to succeed on the bar exam. The course emphasizes competence in writing one- hour bar exam essay questions including “cross-over” questions, i.e., essays that combine more than one area of law.</p>
<p><b>Wills (California) and Trusts</b></p>	<p><b>Wills and Trusts*:</b> An integrated course covering the laws of intestate succession, wills, and trusts. Historical development of the family wealth transmission process is traced, but emphasis is on modern statutory systems and contemporary policy determinants. Topics considered include patterns of intestate distributions, the execution and revocation of wills, policy restrictions on testamentary dispositions, the use of will substitutes, the creation and enforcement of private and charitable trusts, and fiduciary administration.</p>

	<p><b>*Applied Wills and Trusts:</b> The one unit skills module may be attached to the Wills and Trusts course.</p>
<p><b>Professional Responsibility (California and ABA)</b></p>	<p><b>Legal Ethics &amp; the Practice of Law:</b> A review of the basic California and ABA rules and the ethical principles behind them through a discussion of actual practice problems. Ethical principles are introduced through these problems as they actually occur in practice -- as real-world ethical dilemmas. This course also emphasizes the practical and economic realities which can affect a lawyer's behavior, the tensions between traditional notions of ethical behavior and society's larger sense of morality, and the conflict between the duty to advocate for the client and to act for the public good. This course is intended to provide more in-depth and broader coverage than Professional Responsibility.</p> <p><b>Professional Responsibility:</b> A survey of the history, structure and responsibilities of the legal profession, with a view toward examining how lawyers should behave, not just what must they do. Emphasis on the attorney-client relationship; the attorney's duties to client, court and public in various roles; regulating the profession; and judicial ethics. Materials include the ABA Code of Professional Responsibility, the ABA Rules of Professional Conduct, and the California State Bar Act and Rules of Professional Conduct.</p> <p><b>Roles &amp; Ethics in Law:</b> An introduction to legal ethics as well as some of the tasks, roles and relationships of law practice, this course satisfies the professional responsibility requirement. While students will become familiar with the body of rules that govern professional conduct in the legal profession, classroom examination of specific rules will be selective and related to lawyer decision-making in specific practice contexts. Against a background of information on the legal profession and the varied careers it offers, the course will use simulated problems drawn from both criminal and civil practice to introduce students to recurrent ethical issues in those contexts, as well as to some of the skills involved in client interviewing, fact development, and negotiation. Students will be required to write one paper, participate in frequent in class role-plays and other exercises, and to take part in a videotaped simulation outside of class. These activities will account for 45% of the grade, with 25% of the grade based on an objective examination on the rules of professional responsibility, and 30% on a take-home essay exam calling for thoughtful analysis of the types of ethical issues encountered in practice.</p>
<p><b>Essay and Performance Test Skills</b></p>	<p><b>Critical Studies I - Writing Effective Bar Exam Essay and Performance Test Answers:</b> This two-unit course is specifically designed to help students learn how to write effective bar exam essay and Performance Test (PT) answers. Emphasis will be on skills such as critical reading, issue prioritization, and fact identification and analysis. Learning theory is incorporated to assist diverse learners in developing a process for understanding,</p>

organizing, and applying the law. Students will refine their skills by answering a number of practice questions, including cross-over questions involving multiple doctrinal subjects. Feedback will be provided throughout the course. This is a letter graded, non-GPA course. Credit is conditioned on successful completion of all assignments, and grading is based on student performance on multiple writing assignments. Enrollment is limited to third year students. There are no pre- or co-requisites for this course. Students may take Critical Studies courses (I-III) in any combination or order.

**Critical Studies III - Substantive Review of California Bar Examination Essay (non-MBE) Subjects:** The essay portion of the California Bar Examination tests MBE subjects and non-MBE subjects. The non-MBE subjects include, among others: Business Associations, Community Property, Professional Responsibility, Remedies, and Wills & Trusts. This two-unit course provides a substantive overview of those non-MBE-tested subjects, as well as opportunities to write bar-exam-like essay answers and to receive individualized feedback. This is a letter graded, non-GPA course. Credit is conditioned on successful completion of all assignments. The grade will be based on student performance on one or more writing assignments.

**Multistate Bar Exam (MBE) Skills**

**Critical Studies II - The Multistate Bar Exam (MBE):** Nearly every jurisdiction requires bar applicants to take the Multistate Bar Examination ("MBE") as part of its bar examination process. The MBE consists of 200 multiple choice questions, which test students' knowledge of the following subjects: Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, and Torts. This two-unit course is designed to introduce students to general and subject specific exam techniques for the MBE. This course will help students develop multiple choice exam techniques, including issue identification and fact analysis necessary to support outcome predictions. Topics include: historical multiple choice exam structure, active and efficient reading skills, time management and incorporating MBE's into bar review. The course will also present a substantive overview of MBE-tested subjects, and provide practice questions and feedback as part of the class sessions. This is a letter graded, non-GPA course. Credit is conditioned on successful completion of all assignments. The grade will be based on student performance on MBE-like multiple choice questions that test with respect to law reviewed in the course.