



## COMPARISON OF MASSACHUSETTS & NATIONAL LAW

FALL 2020

SYLLABUS

**PLEASE NOTE:**

- (1) *Because of the pandemic, the structure of this course has changed significantly. It is essential that you read and continue to refer to this memorandum throughout the course. It constitutes the rules and expectations of the course. Do not merely rely on what you've heard about the way this course was taught in the past.***
- (2) *Because no one can predict the course of the pandemic, it is possible that the structure and rules of the course will be modified on short notice. We will communicate any changes via TWEN email blasts, but you will need to routinely check the TWEN site for changes in case you miss any of the notifications.***
- (3) *We are working on the assumption that classes will begin live and continue as in-person classes for the entire semester. It is possible, however, that one of three additional situations will occur: (1) classes will start live but change to virtual if the scientific/medical information suggests we should no longer meet live, (2) by the beginning of the semester, we will not be able to conduct any live classes for the entire semester, or (3) we will not be able to start live, but may be able to shift to live cases later in the semester. Your professors are preparing for all of these three possibilities.***

- (4) Some of you may have medical conditions or be responsible for the direct care of those who have medical conditions, which makes it unsafe for you to come to the building for live classes. In such a circumstance, please contact Dean Kaldis, with a copy to Professor Malaguti in order to arrange to take the classes remotely.***
- (5) If you do not return the Community Contract that Dean Coyne had disseminated earlier, you will not be able to take classes live. In such case, please contact Professor Malaguti about taking the classes remotely. The administration has informed us that this will not excuse you from taking exams live, and you will need to arrange to take the exams in the building without other students being present. If you take an alternative exam, you will still have to wear a mask or face shield at all times, and otherwise comply with MSL's pandemic rules, while you are in the building.***
- (6) At this point, it is the goal of the administration that everyone will take final exams (scheduled for Saturday, November 21<sup>st</sup> in this course) on campus rather than online. The administration understands that the course of the pandemic is unpredictable and will continue to monitor the science/medicine with the health and safety of our students foremost in its thoughts. We will notify you if and when circumstances change.***
- (7) Please immediately check that you are still registered with TWEN and that your current email address is listed. If you are not registered or have changed your email address please reregister (contact Mick Coyne – mick@msslw.edu) or change your email address on the TWEN platform, as the case may be. This is important because for most Comparison professors TWEN is the primary method of communication with the students.***
- (8) This memorandum supersedes any conflicting standards or representations made orally or in writing by any individual professor who teaches any section of Comparison.***
- (9) The Course Calendar is attached at the back of this memorandum.***

- (10) *There are no longer three (3) classes a week. There will be two (2) three-hour classes each week: Mondays and Wednesdays with the day classes running 1 p.m. to 4 p.m. and the evening classes running 6 p.m. to 9 p.m.*
- (11) *Because of the pandemic, there is no live assessment test at the beginning of the course this semester. The assessment test will be placed on the TWEN site to be used as a learning tool.*
- (12) *Because of the pandemic, you will not be able to walk into the bookstore to buy the books required for the course. Please order them online and do so early enough so you will be ready for the first day of the course.*

### Books for the Course

#### Required:

*Emanuel's Strategies & Tactics for the MBE (6<sup>th</sup> Ed. Wolters Kluwer).* NOTE: Although a 7<sup>th</sup> edition of this book has been released, we will continue to use the 6<sup>th</sup> edition for this semester. Please do not order the 7<sup>th</sup> edition by accident.

*Wanda M. Temm, Clearing the Last Hurdle (2<sup>nd</sup> Ed.)*

*You should order these books online. The bookstore will not be open to normal business because of the pandemic.*

#### Suggested:

National Conference of Bar Examiners officially released Questions (<http://store.ncbex.org/>).

Bar Exam style questions from the commercial bar review courses.

### Structure of the Course

The course is comprised of:

1. Seven (7) substantive law sections, which will be covered in blocks of two weeks each. Classes will be two days a week: Mondays and Wednesdays from 1 p.m. to 4 p.m. (Days) and 6 p.m. to 9 p.m. (Evenings) Most of those sections will begin with a one and one-half hour "Bar Exam Skills" session conducted by Professor Kukas (see attached calendar). The final Wednesday of each substantive law section will consist only of a 90-minute multiple choice exam (45 questions) that tests the law of the section you just completed.

2. Each substantive law section will include four 5-question quizzes, plus an additional exercise to be completed for Professor Kukas. Each of these 5 assessments will carry 5 points and your highest three scores will be averaged to create a final quiz score ranging from 0 to 5.
3. After you take each section exam, the professor will tape a one-hour review of the questions s/he believes were important and worth reviewing for pedagogical reasons. After this review, you will take a “Bonus Quiz” that is essentially an “extra credit” quiz to allow you up to 10 additional points on your final section score. It will consist of 10 questions and you will obtain 1 extra point for each question answered correctly. Your score on the Bonus Exercise – up to 10 points—will be added to your final cumulative score for that section; and
4. A 200-question, six-hour, “multistate” (multiple choice) final examination. Each correct answer counts 1 point.

The grade you receive at the end of the course will be: “Pass,” “Pass with Honors” (for those at or near the top of the class) or “Fail.” There is no letter grade for this course.

The seven (7) substantive subjects are: Torts, Contracts, Constitutional Law, Criminal Law/Criminal Procedure (treated as one subject), Real Property, Civil Procedure, and Evidence.

**You are required to bring two #2 pencils to all classes and exams.**

#### The Seven Substantive Law Sessions

Starting with Torts, and prior to each substantive section thereafter, please read the materials for the applicable section of the Strategies & Tactics Book. This chapter will give you suggestions and tips on how to prepare to take the multistate bar exam for that particular topic. The professors of each section will pass out assignments and other materials during the week before his or her section is scheduled to begin. (Most professors post their materials on TWEN.) Be prepared to cover multiple choice questions from the appropriate subject book as the professor assigns.

As described above, there will 5 in-class quizzes for each section, with the top 3 scores averaged into a raw score of 0 to 5.

At the end of each section, you will take a multistate test that will consist of 45 multiple-choice questions. Each multiple choice or short answer question you answer correctly will give you one point. For each section final, you will earn a raw score of 0 to 45.

Each substantive section, therefore, will produce up to 50 raw points: up to 5 for the quizzes and up to 45 for the final section exam.

After your final “raw” score has been calculated, it will be converted into a “bar examination” score, which is based on a total of 200 points. The reason we convert the raw score to 200 is

because that is how the Board of Bar Examiners does it for the real thing. The conversion is quite simple: we will multiply your final raw score by 4 (the number of times that 50 goes into the 200-point bar examination score). For example, if your final raw score is 39 out of 50, your “bar examination” score will be  $1 \times 4 = 156$ .

**The passing grade for each section is 135. You must pass four (4) of the seven (7) sections to qualify to take the final 200-question examination; that is, you must obtain a 135 or more on at least four (4) of the sections. Once you fail a fourth section, you will have failed the course and will have to repeat it. Upon failing four (4) sections, you may continue to take section quizzes and section exams for the practice, but you will not be allowed to take the final, 200-question six-hour exam on November 21<sup>st</sup>.**

**In addition to having passed at least four of the seven sections, you must also have at least 945 total points (a 135 average) at the end of the seven (7) sections to qualify to take the final 200-question examination. This minimum score applies even if you have passed four (4) of the seven (7) sections.**

Assuming you have qualified to sit for the final exam, your combined section grades will be averaged together to constitute fifty percent (50%) of your final grade.

#### The “Bonus Quiz” Following Each Section

Following the final exam for each section, your professor will tape a one-hour review of the questions s/he believes were important and worth reviewing for pedagogical reasons. After this review, you will take an online Bonus Quiz on the Saturday following the Wednesday exam. The Bonus Quiz is essentially an “extra credit” quiz to allow you up to 10 additional points on your final section score. It will consist of 10 questions and you will obtain 1 extra point for each question answered correctly. Your score on the Bonus Exercise – up to 10 points—will be added to your final cumulative score for that section. For example, if you obtain an average of 3 on the quizzes and 29 on the final section exam, your raw score total will be 32. We convert this to a bar exam score by multiplying it by 4. The total would be 128, which is lower than the passing score of 125. However, if you get 8 of the 10 Bonus Quiz questions correct, 8 points will be added to your 128 total and you will receive a final score of 136, which is passing. Students who pay attention during the reviews and put in the effort tend to do well on the Bonus Quizzes. In no event, will your bonus quiz allow a final section score to be higher than a perfect 200.

#### The 200 Question, Six Hour, “Multistate” Final Examination

The multistate final exam is given on Saturday November 21<sup>st</sup> will comprise the other fifty percent (50%) of your final score. The multistate final will run from 9:00 a.m. to 12:00 noon (morning session), and from 1:00 p.m. to 4:00 p.m. (afternoon session). You will answer 100 multiple choice questions in the morning and 100 multiple choice questions in the afternoon. This exam will test the seven “multistate” topics you covered over the semester.

You will be awarded 1 point for every correct answer. This exam will count for fifty percent (50%) of your total numerical score. By way of illustration, assume that your average score after

the seven sections is a 150, and that you get a 140 on the multistate final exam. The 150 sections average counts for 50% of the total score, and the 140 final-exam score counts for 50%. To figure your final score you would add the two scores together and divide by 2. In such a case the final numerical score would be 145.

### Summing up the Scoring

1. You *must* achieve at least 945 total points (a 135 average) after the seven (7) multistate subjects to qualify to take the final exam. However, you *also* must obtain a score of 135 or more on at least four (4) of the seven (7) sections to qualify to take the final exam. If you do not, you will not be allowed to take the final exam and will have to repeat the course.
2. The section grades will count for fifty (50%) percent of your final grade (assuming, of course, that you score at least a 135 average on those sections and have obtained a 135 on at least four (4) of the seven (7) sections).
3. The final multistate exam will count for fifty (50%) percent of your final grade.
4. After averaging the section scores and multistate final exam score, you must have a 135 to pass the course. Students scoring a 135 or better will receive a “Pass” for the course. Students with a 155 or more average at the end of the course will receive a “Pass with Honors” for the course. (Students who have previously failed the course may not pass with honors regardless of how well they perform when they do pass.)

### Commercial Bar Course Reimbursements

MSL reimburses students up to \$1,000 toward their commercial bar review courses provided certain conditions are met. Specifically, qualifying students are eligible for 50% of the cost of their commercial bar review course, up to a maximum of \$1,000. However, to obtain this reimbursement, Comparison students **MUST**:

1. Attend 16 of the 19 substantive Comparison lectures (i.e., 16 of the 19 Monday and Wednesday classes that are not devoted to a final exam) given during the semester;
2. Attend 6 of the 7 Bar Exam Skills sessions given by Professor Kukas during the semester. These workshops are an integral part of the Comparison curriculum;
3. Have completed at least 75% of their commercial bar company’s program (please do not seek reimbursement before that point); and
4. Attend at least 80% of the workshops offered by MSL during the two months preceding the bar examination.

## Rules that Pertain to the Course

1. You may only review your section exams if you request to do so *with the Professor who taught the applicable section* within seven (7) days after receiving your scores. We will not go into storage to pull exams if you ask in November to see exams taken in August. You will not be allowed to review the section exam requested until after the Bonus Exercise is given.
2. On multiple choice tests and quizzes, grades will be changed only if the student can show a demonstrable mistake made in scoring the bubble sheet. Please note that students sometimes mark two answers, and sometimes fail to properly erase an answer before choosing another one. These are incorrect answers and will not be changed. The bubble sheet must clearly show one answer chosen – the correct answer – for your score to be changed. This means that, just like on the bar exam, you must be diligent in properly erasing incorrectly marked answers. You should also know that the scanner we use to correct the bubble sheets is extremely accurate. The odds of there being scanning error are miniscule.
4. Any questions about missing or incorrect quizzes and exams should be directed to Laura Lussier in the front office: [lussier@mslaw.edu](mailto:lussier@mslaw.edu). Once Laura receives your request, she will pull the appropriate materials and direct them to the professor who taught the section, with whom you will arrange to review the materials. The failure to raise an issue with a quiz or exam score, by making an email request to Laura Lussier, within seven (7) days after the score sheet is delivered results a waiver of the right to question the accuracy. It is not fair to require Laura and section professors to revisit grading questions weeks after they have taught the section, and often after the section materials have been moved to storage. Again, although you must request the exam within a week after getting your score, you will not be able to review it until after the Bonus Exercise is given.
5. Once you fail a fourth (4<sup>th</sup>) section of the course, you will have failed the course. After failing four (4) sections, you may continue to take section quizzes and section exams for the practice, but you will not be allowed to take the final, 200-question, six-hour exam.
6. As you can see, it is important that you take this course seriously from the beginning. Failing a section early on puts you “behind the eight ball” from the start. If you are struggling at the beginning of the course, please contact Professor Malaguti immediately to ask for advice on how to succeed. Please do not let deficiencies linger; if you do, it will soon be too late to do anything about it.