

PERFORMANCE TEST STRATEGIES

Fall 2024

Western State College of Law at Westcliff University

Section 1: Mondays from 6:30pm-8:30pm

Section 2: Wednesdays from 6:30pm-8:30pm

COURSE SYLLABUS AND ASSIGNMENTS

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Professors:

Professor Tania Shah	<u>tshah@wsulaw.edu</u>
Professor Kathleen Bolus	<u>kathleenbolus@wsulaw.edu</u>
Professor Jennifer Dean	<u>jdean@wsulaw.edu</u>
Professor Kim-Jackson	<u>sjacksoen@wsulaw.edu</u>
Professor Pescetti	<u>sjackson@wsulaw.edu</u>

Class Meetings: Fall 2024

Note: You will enroll in either the Monday **OR** Wednesday section. This class will meet for 8 consecutive sessions. The first session will begin the week of September 16, 2024. Your final session will be the final

exam, which will be the week of November 4, 2024

Course Website: Please sign up for the **TWEN FALL 2024 PERFORMANCE TEST STRATEGIES TWEN** Course. Most of your materials will be posted there and your assignments will be uploaded on TWEN.

Office Hours:

Please email professors to schedule office hours. You may meet with any of the ASP professors.

Course Objectives: This course will focus on the Performance Test for the California Bar Examination and the Multistate Bar Exam. Students will learn how to approach, organize, and write an answer for the Performance Test. Students will focus on improving their legal-analytical skills, review case briefing, and gain familiarity with different types of Performance Test topics. Completion of the course will provide students with the skills that you will later be able to apply in Basic Bar Skills.

Course Methodology: This course has been designed as a significant departure from traditional law school instruction and course work. The course will provide students with an introduction to the skills necessary for completing the Performance Test on the bar exam and skills you will also use later in Basic Bar Skills. The course will also focus on how these skills from the Performance Test can be applied to other doctrinal classes.

Course Materials: In-Class/TWEN Handouts: We will be providing Handouts for you to bring to class (or which will be provided in class) such as PowerPoint printouts and Performance Test printouts.

Recommended Text: For additional material on the Performance Test we recommend California Performance Test Workbook: Preparation for the Bar Exam by Mary Basick and Tina Schindler.

Class Participation: Legal education is a cooperative venture. Class participation therefore is a mandatory part of this course. Any student who is deemed unprepared for class will be treated as absent for that day and a student who is unprepared on two (2) occasions will automatically be withdrawn from the course.

Requirements for In-Person Class:

- Arrive to class ready to start on time.
- Come to class prepared
- Do not multitask on your computer – stay focused on the class discussion.
- If you have to miss a class, arrive late, or leave early, notify the professor in advance
- Be ready to participate in class

Course Grading: Your grade for the class is based on the following components: (1) Your score on the final examination; (2) Mandatory writing assignments submitted during the semester; (3) one mandatory meeting with the professor. Your grading on writing assignments will be based on timely submission and a good-faith effort. Students will not receive any credit for assignments in which they do not put in good faith effort.

Your grade for this course will be based on the following:

- Class Participation (5%)
- Homework Assignments (30%): homework assignments must be completed in good faith and submitted on time.

- Final Exam (65%)

Class Attendance: If you arrive late to class, leave during class time, or depart early (without prior permission), you will be marked absent for that session. If you miss more than one class session, you will be withdrawn from the class.

Assignments and Class Times: After every class session you will be completing homework assignments. You will be graded on the extent to which your submissions demonstrate a good faith effort to successfully complete the assignments. Assignments may be graded by any ASP professor.

Homework Expectations and Time Commitment: Because this class begins your preparation for the bar exam, it requires a substantial amount of work outside of class time. The ABA standards state that students should spend, on average, at least two hours of preparation for every one hour of class time. This class requires approximately 2 hours/week of outside work.

Disability Services: 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 the Students Services Suite. 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 Marisa Cianciarulo at mcianciarulo@wsu.edu or (714) 459-1168. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

Requirements for Zoom Sessions (if any):

- Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.
- Arrive to class early and dressed as you would to attend an in-person class.
- 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.
- Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.
- Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact your professor.
- Unless your professor instructs you otherwise, mute your microphone when you are not speaking. Unmute to speak or to ask or answer questions.

Video and Audio Recordings:

Students are expressly prohibited from recording any part of this course. Meetings of this course might be recorded by the professor. Any recordings will be available to students registered for this class as they are intended to supplement the classroom experience. Students are expected to follow appropriate Western State College of Law policies and maintain the security of passwords used to access recorded lectures. Recordings may not be reproduced, shared with those not in the class, or uploaded to other online environments. If the professor or a Western State College of Law employee plans any other uses for the recordings, beyond this class, students identifiable in the recordings will be notified to request consent prior to such use.

ChatGTP and Generative AI Tools:

It is a violation of the Western State College of Law Honor Code to misrepresent work that you submit or exchange with your instructor by characterizing it as your own, such as submitting responses to assignments that do not acknowledge the use of generative AI tools (ChatGTP DALL-E). Students shall give credit to AI tools whenever used, even if only to generate ideas. Please feel free to reach out to me with any questions you may have about the use of generative AI tools before submitting any content that has been informed by these tools.

Performance Test Strategies Assignments
You must attend the class session you are enrolled in.

Week	Date	Topic	Assignment
1	M: 9/16 W: 9/18	<ul style="list-style-type: none"> ● What is PT? 	<ul style="list-style-type: none"> ● Objective/Persuasive Exercise
2	M: 9/23 W: 9/25	<ul style="list-style-type: none"> ● Types of PTs ● Different types of Headings/Format ● Organization of PT #1 	<ul style="list-style-type: none"> ● Write answer for PT #1
3	M: 9/30 W: 10/2	<ul style="list-style-type: none"> ● Types of cases (RD, RTFA) ● Case briefing 	<ul style="list-style-type: none"> ● Case Briefing Exercise
4	M: 10/7 W: 10/9	<ul style="list-style-type: none"> ● Organize PT #2 ● Start writing Answer for PT #2 	<ul style="list-style-type: none"> ● Write answer for PT #2
5	M: 10/14 W: 10/16	<ul style="list-style-type: none"> ● Debrief Answer for PT #2 ● Organize PT #3 	<ul style="list-style-type: none"> ● Write Answer for PT #3
6	M: 10/21 W: 10/23	<ul style="list-style-type: none"> ● Debrief Answer for PT #3 ● PT #4 	<ul style="list-style-type: none"> ● Rewrite answer for PT
7	M: 10/28 W: 10/30	<ul style="list-style-type: none"> ● Debrief PT #4 ● TBD 	<ul style="list-style-type: none"> ● Grading Exercise
8	M: 11/4 W: 11/6	Final Exam (during assigned class period)	

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.