

PERFORMANCE TEST STRATEGIES

Spring 2025

Western State College of Law at Westcliff University

COURSE SYLLABUS AND ASSIGNMENTS

Course:

<u>Semester</u>	<u>Day</u>	<u>Time</u>	<u>Professor</u>
Spring 2025	Wednesday	6:30pm - 8:20pm	Professor Jennifer Dean jdean@wsulaw.edu

Office Hours:

Zoom: Tuesdays 12 - 7pm and Wednesdays 12 - 3pm

In-person: Wednesdays 12 - 3pm

Schedule via calendly.com/jdeanws

Or email me for other availabilities by appointment

1. [Course Meetings](#)
2. [Course Website](#)
3. [Course Objectives](#)
4. [Course Methodology](#)
5. [Course Materials](#)
6. [Class Participation](#)
7. [Requirements for In-Person Class](#)
8. [Class Attendance](#)
9. [Course Grading](#)
10. [Assignments and Class Times](#)
11. [Homework Expectations and Time Commitment](#)
12. [Disability Services](#)
13. [Requirements for Zoom Sessions \(if any\)](#)
14. [Video and Audio Recordings](#)
15. [ChatGTP and Generative AI Tools](#)

Course Meetings: Note: The Spring 2025 course will meet for eight consecutive class sessions, from week five to week twelve of the semester. The first session will be held on February 12, 2025. The last session will be the final exam, and will be held on April 9, 2024.

Course Website: Please sign up for the “**SPRING 2025 Performance Test Strategies**” course on TWEN. Most course materials will be posted there. Assignments will be uploaded to TWEN.

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 skills transferable to the Basic Bar Studies course and other doctrinal courses.

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 Studies. The course will also focus on how these skills from the Performance Test can be applied to other doctrinal classes.

Course Materials:

1. **TWEN:** Some materials will be available on TWEN to use during class or after class.
2. **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.
3. **Recommended Textbook:** For additional material on the Performance Test we recommend California Performance Test Workbook: Preparation for the Bar Exam by Mary Basick and Tina Schindler. There is also a copy of this book in the ASP Suite library.

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.

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.***

Course Grading: Your grade for the class is based on the following components: (1) class participation, (2) assignments, including one mandatory meeting with the professor, and (3) the final examination.

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

Exams and assignments may be graded by any ASP professor.

- Class Participation (5%)
- Assignments, including one professor meeting (30%): see below requirements
- Final Exam (65%)

To receive credit on a homework assignment, you must meet the following requirements:

1. Submit the assignment as a “.doc” or “.docx” file format. If an assignment is given to you as a “.pdf” then you can submit your assignment in a “.pdf” format. Assignments submitted in “.pages” or any other format without prior permission will not receive credit.
2. Submit the assignment prior to the deadline. Late submissions will not be accepted.
3. Submit the assignment in a good-faith effort, defined as preparing a complete assignment that follows instructions with a genuine effort to use the skills taught in class and a genuine effort to implement prior feedback.

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. Below is a list of topics and skills covered during class, and assignments for each class. This list is not exhaustive and may be amended as needed.

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 4 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

Class	Date	Topic	Assignment
1	February 12	<ul style="list-style-type: none"> ● PT introduction ● Begin PT #1 roadmap 	<ul style="list-style-type: none"> ● Read Guide to the Performance Test ● Library roadmap/outline PT #1
2	February 19	<ul style="list-style-type: none"> ● PT introduction continued ● Debrief PT #1 roadmap and begin answer 	<ul style="list-style-type: none"> ● Complete answer for PT #1
3	February 26	<ul style="list-style-type: none"> ● Debrief PT #1 answer ● PT #1 grading exercise ● Case briefing 	<ul style="list-style-type: none"> ● Objective/Persuasive worksheet
4	March 5	<ul style="list-style-type: none"> ● Debrief objective/persuasive worksheet ● Organize PT #2 	<ul style="list-style-type: none"> ● Complete answer for PT #2
*	Semester Break 3/10/25 -3/16/25		
5	March 19	<ul style="list-style-type: none"> ● Debrief answer for PT #2 ● PT #2 grading exercise ● Organize PT #3 	<ul style="list-style-type: none"> ● Complete answer for PT #3
6	March 26	<ul style="list-style-type: none"> ● Debrief answer for PT #3 ● In-Class PT #4 	<ul style="list-style-type: none"> ● Self-assessment of PT #4
7	April 2	<ul style="list-style-type: none"> ● Final preparation 	<ul style="list-style-type: none"> ● PT #1 Grading Exercise
8	April 9	In-Class Final Exam 1 PT: 2 Hours	

*Assignments may be amended.

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.