

Legal Analysis and Writing
2020-2021
Office: LSS Offices - Bates Law Building

Course Objective:

This course will focus on developing the skills necessary to succeed on each of the three sections of the Uniform Bar Exam (UBE). The course will provide instruction, as well as opportunities to practice and hone the skills taught, so that students will be adequately prepared to perform each task required on both days of the Exam.

Goals:

- To provide an overview of the UBE
- To teach systematic problem-solving skills to enable students to succeed on the MBE
- To teach essay writing skills to enable students to write high scoring essays, as well as writing for the MPT
- To provide students with opportunities to self-reflect and garner a better understanding of the tools and skills necessary to successfully prepare for the UBE

Class sessions:

See the course listing for days and times

Class will meet 2 times a week for one hour-twenty minutes each session

Students will each be required to attend mandatory one-on-one advising sessions 3 times during the semester (the one-on-one advising session times will be set on an individual basis)

Instructional method: Our class will meet synchronously online.

Our class will meet via Zoom. The class code will be sent in the Google Calendar invite.

Class will begin at promptly at the appointed time, so please be online and ready to begin a few minutes prior.

Reading Material:

Required:

BarBri Binder – We will arrange a time to pick up a printed copy the first week of class. A digital copy is also being emailed to you.

Wanda M. Temm, *Clearing the Last Hurdle* (2d. ed. 2017).

There is an online classroom component called Matrix. You will use Matrix to submit most assignments. You will receive an email with login information to access the Matrix page. If you do not receive the email by the first day of class,

please let me know ASAP. You can access the course site at <https://barbri.matrixlms.com/>

We will also use Blackboard and additional content will be added to the Blackboard website throughout the semester, as well. While I will notify you when additional material is added, please plan to check Blackboard on a regular basis.

Recommended (for preparation for the MBE section):

- Stephen Emmanuel, *Strategies & Tactics for the MBE* (5th ed. 2015)
- Adaptibar (adaptibar.com – there is a discount for UHLC students/alumni)

Office hours:

If you have any questions about the course, please ask me! Questions are welcome and encouraged. My office is located in the Lawyering Skills and Strategies Suite. In light of COVID-19, most meetings will be held via Zoom.

If you have any questions, comments, or concerns, or would like to discuss preparing for the bar exam, you may reach out to me. Please make an appointment if you have questions about the course, any assignments, and bar preparation and licensing. During our appointment, we can review questions together, discuss study strategies, discuss the bar preparation process, and explore any questions, thoughts, or concerns you have about the course.

You may also reach out to Professor Davis with any questions, comments, or concerns about this course or the bar exam in general. She can be reached at mlwilso3@central.uh.edu, 713.743.8362 (work), or 979.574.9272 (cell). Her office is also located in the LSS Suite.

Attendance Requirement:

80 percent attendance in class is required. (This means each student has a five-absence limit.) I will take roll at the beginning of class. To be counted present, you must be in attendance *for the entire, and not part*, of the class session. When class is occurring on Zoom, that means that you will need to be logged in throughout the class session **with the camera on**. Those individuals not satisfying the attendance requirement will be reported to UH Law Center administrative officials and may be dropped from, or fail, the course.

Given the pandemic, you can expect some flexibility with the attendance policy and policies to make up class. But I am only able to assist you when I know your needs. Please do not hesitate to reach out if you have any difficulties this semester.

Grading:

This class is pass fail.

To recognize the effort you put into this class from week to week, your grade will be spread across the semester. Your grade will be taken, in part, from completion

of assignments, individual conferences, a class presentation, essays, MPTs, and MBEs you will begin in class and rewrite open note outside of class for a grade. The goal of these assignments is to give you an opportunity to engage with the material and strategies.

Part of your grade will come from rewriting your initial response, if requested.

Please note: To pass this class you are required to complete 100% of all assignments (including those assigned for completion out-of-class). The failure to complete 100%, including any requested re-writes, will result in a failing grade for the class.

Student Participation:

You are expected to discuss the assigned material in depth, so please make a commitment to be prepared. Your advanced preparation gives you the best opportunity to correctly synthesize and participate in our class discussion. Be prepared to actively engage – including reading all assigned passages and completing any and all out of class assignments.

While the class is pass/fail, students with poor class participation may have their final grade dropped from passing to failing. The decision to drop a grade for participation is at my discretion and is non-negotiable. A drop in grade due to failure to participate in class can result from a combination of unpreparedness, not paying attention in class, and absences (even if you are within the five-absence limit). Note that volunteering every class does not constitute a substantial contribution—quality, not quantity matters.

Your camera should be on during all class sessions. You are welcome to use a virtual background, provided it is school appropriate. If this is a problem, please reach out to me individually.

Student Responsibilities When Absent:

If a student is absent from class, the student has the obligation to reach out to the instructor, obtain all missed content, and submit all missed assignments. To assist in this effort, class assignments and presentations are posted to the BarBri Matrix or Blackboard after each class. *The missed material must be completed and submitted to the instructor prior to the next class meeting.* Failure of the instructor to post the assignments does not relieve the student of the duty to reach out and ask for the missed assignments in a timely manner. For example, if a student misses a Tuesday 6pm class (of a T/Th 6-7:30pm class section), the student must complete all assignments from that class meeting before class begins on Thursday at 6pm. Any assignment not timely completed may result in the student failing the class or the student may have to complete additional assignments. Late assignments will not be accepted.

Honor Code:

The UHLC Honor Code applies to this class. It is set forth in its entirety in the Student Handbook. You are responsible for knowing the provisions of the UHLC Honor Code, and for full compliance with all of the UHLC Honor Code provisions. Failure to comply – in any respect – with the UHLC Honor Code will result in referral to the UHLC Honor Court, and may result in you failing this class and, potentially, other sanctions as determined by the UHLC Honor Court.

Of note, unless otherwise specifically instructed, all assignments are to be completed individually and you may not consult the internet, peers, or other resources not specifically included in the assignment instructions.

Computer and Phone Use:

The use of personal computers in the classroom is permitted solely for the purpose of completing class assignments (i.e. MPT, essays). Specifically excluded from in-class computer usage is anything beyond these activities, e.g., “surfing the web” and messaging. Nonparticipation and non-responsiveness in the classroom discussion attributable to diversionary uses of your personal computer or phone constitutes an absence from the class. The use of other electronics, including recording devices, is prohibited during class time. Please be sure that all noise-making devices, including cell phones, are in silent mode or powered off. Phones should be put away during class.

Your camera should be on during all class sessions. You are welcome to use a virtual background, provided it is school appropriate. If this is a problem, please reach out to me individually.

Instructor Evaluations:

Please feel free to provide me with feedback and comments during the course of the semester as they will help me improve this program. I will carefully consider all of the comments and suggestions that I receive. Professor Davis would also love any feedback you have about the class, professor, or suggestions for how we may better support our students during the bar exam.

Diversity, Inclusion, and Wellness:

This is an inclusive learning space.

At UHLC, we are committed to ensuring inclusive online and classroom learning spaces, where you’ll be treated with respect and dignity, and where everyone is provided the equitable opportunity to participate, to contribute, and to succeed.

In this course, all students are welcome regardless of socio-economic status, age, race, ethnicity, disability, religion, national origin, veteran status, sex, sexual orientation, gender identity, gender expression, political affiliation, marital status, and other diverse identities that we each bring to class. Our class is richer for this diversity.

Inclusive learning spaces facilitate the innovation and creative thought that enhance student success. This success arises from the participation, support, and understand of you and your colleagues. I encourage you to speak up and share your views, but also understand that you are doing so in a learning environment in which we're all expected to engage respectfully and with regard to the dignity of all others.

If you feel like your class performance is impacted in any way by your experiences inside or outside of class, please reach out to me. I want to be a resource for you. If you feel more comfortable speaking with someone besides me, Student Services is an excellent resource: 713.743.2182. Finally, I encourage you to bring any issues negatively impacting UHLC's openness to diversity and inclusion to the Law Center's Diversity and Inclusion Committee. The D&I Committee's charge includes "[b]uilding on the Law Center's strengths as a diverse and inclusive environment." You can contact the committee directly at UHLCD&I@uh.edu .

Your suggestions are encouraged and appreciated. Please let me know ways to improve the effectiveness of this course for you personally, or for other students or student groups.

Chosen Names and Preferred Pronouns:

I want to address each of you in a manner that corresponds to your identity. Although mistakes happen, chosen names and preferred pronouns – including non-binary ones such as they/them/their – must be respected in my classroom. Please feel free to reach out to me at any time if you want to make me aware of your chosen name or preferred pronoun or if you have concerns about how I or your classmates address you.

My pronouns are she/her. You may address me with my title, Professor.

Accommodating Students with Disabilities:

UHLC is committed to ensuring that all students enjoy equal access and full participation. If you anticipate or experience barriers based on a disability (including chronic or temporary medical or mental health condition), please feel free to reach out to me so that we may discuss options. If you require any support services, you may contact Ms. Samantha Ary, Academic Records Coordinator. Ms. Ary is located in room 44A TU-II in the Office of Student Services Suite, and she can be reached at sary@central.uh.edu or 713.743.7466. Request for accommodation that involve graded assignments must be directed to Ms. Ary and should be made as soon as possible to allow adequate time to document and process the request.

Counseling and Psychological Services:

The University of Houston's Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad or hopeless. You can reach CAPS at www.uh.edu/caps and by calling 713-743-5454 during and after business hours for

routine appointments of if you know someone who is in crisis. No appointment is necessary for the “Let’s Talk” program (http://www.uh.edu/caps/outreach/lets_talk.html), a drop-in consultation service at convenient locations and hours around campus.

Anti-Discrimination and Sexual Misconduct Policies:

UHLC and the University of Houston are committed to maintaining and strengthening an educational, working, and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, a confidential reporting process is available to you. For more information, please refer to the University System’s Anti-Discrimination Policy SAM 01.07 and Sexual Misconduct Policy SAM 01.D.08.

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty and other University employees are required to report to the University any information received regarding sexual misconduct as defined in the policy. Due to the reporting requirement, faculty members and other employees are not a confidential source. The reporting obligations under the sexual misconduct policy extends to alleged conduct by University employees and students.

Course instruction:

This semester is highly unusual. As COVID-19 continues to affect our community, please note our schedule may change.

LAW Syllabus Spring 2021: Addendum

The following policies are in addition to any and all items described in the LAW Spring 2021 Syllabus.

[1] Face Covering Policy

To reduce the spread of COVID-19, the University requires face coverings on campus including classrooms for both faculty and students. Face coverings must cover your mouth and nose and be worn throughout the class session. A mask with a valve is not considered an adequate face covering and should not be used, as it can expel exhaled air, increasing the risk to others. Eating or drinking during class is discouraged and is not an excuse for removing the face covering for any extended length of time. For additional information on the use of face coverings, please see Face Covering FAQs. Failure to comply with the requirement to wear a face covering in class will result in your being asked to leave the classroom immediately and a disciplinary referral through the Dean of Students Office. Requests for accommodations relating to the face covering policy may be directed to the Center for Students with DisABILITIES (CSD).

[2] Required Daily Health Self-Assessment

Your presence in class each session means that you have completed a daily self-assessment of your health/exposure and you:

- ☐ Are NOT exhibiting any Coronavirus Symptoms
- ☐ Have NOT tested positive for COVID-19
- ☐ Have NOT knowingly been exposed to someone with COVID-19 or suspected/presumed COVID-19

If you are experiencing any COVID-19 symptoms that are not clearly related to a pre-existing medical condition, do not come to class. Please see COVID-19 Diagnosis/Symptoms Protocols for

what to do if you experience symptoms and Potential Exposure to Coronavirus for what to do if

you have potentially been exposed to COVID-19.

[3] Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Center for Students with DisABILITIES. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

[5] Syllabus Changes

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Such modifications may include changes to the mode(s) of assessment for the course. Notice of such changes will be announced as quickly as possible through Lexis.

Resources for Online Learning

The University of Houston is committed to student success, and provides information to optimize the online learning experience through our Power-On website. Please visit this website for a comprehensive set of resources, tools, and tips including: obtaining access to the internet, AccessUH, and Blackboard; requesting a laptop through the Laptop Loaner Program; using your smartphone as a webcam; and downloading Microsoft Office 365 at no cost. For questions or assistance contact UHOnline@uh.edu.

UH Email

Email communications related to this course will be sent to your Exchange email account (cougarnet) which each University of Houston student receives. The Exchange mail server can be accessed via Outlook, which provides a single location for organizing and managing day-to-day information, from email and calendars to contacts and task lists. Exchange

email accounts can be accessed by logging into Office 365 with your Cougarnet credentials or through Access UH. Additional assistance can be found at the Get Help page.

Webcams

Access to a webcam is required for students participating remotely in this course. Webcams must be turned on during class to engage in conversation and participate in the group dialogue.

Honor Code Statement

Students may be asked to sign an honor code statement as part of their submission of any graded work including but not limited to projects, quizzes, and exams: "I understand and agree to abide by the provisions in the Law Center Honor Code. I understand that academic honesty is taken very seriously and, in the cases of violations, penalties may include suspension or expulsion from the University of Houston."

Synchronous Online Courses: This course is being offered in the Synchronous Online format. Synchronous online class meetings will take place according to the class schedule. There is no face-to-face component to this course. In between synchronous class meetings, there may also be asynchronous activities to complete (e.g., discussion forums and assignments). This course may have a final exam per the University schedule. The exam will be delivered in the synchronous online format, and the specified date and time will be announced during the course. Prior to the exam, descriptive information, such as the number and types of exam questions, resources and collaborations that are allowed and disallowed in the process of completing the exam, and procedures to follow if connectivity or other resource obstacles are encountered during the exam period, may be provided.

Helpful Information

COVID-19 Updates: <https://uh.edu/covid-19/>

Coogs Care: <https://www.uh.edu/dsaes/coogscare/>

Laptop Checkout Requests: <https://www.uh.edu/infotech/about/planning/offcampus/index.php#do-you-need-a-laptop>

Health FAQs: <https://uh.edu/covid-19/faq/health-wellness-prevention-faqs/>

Student Health Center: <https://uh.edu/class/english/lcc/current-students/student-healthcenter/index.php>

LAW Spring 2021

No preparation is required for the first class.

Each class, please have your computer, something to take notes on/with, your textbook, and your Barbri Book.

Most assignments will be emailed to you or they will be found on the Matrix.

January 19, 2021 is the first day of the Spring semester.

- **Week 1**
- Day 1 (1/19)
 - Overview of the UBE
 - Get to know you
- Day 2 (1/21)
 - NO CLASS
 - Student will complete the online assessment prior to class Week 2, day 1
 - HW: Watch the Barbri Matrix Torts videos and complete 1) the 3 AMPs for Negligence; Duty of Care, Breach and Causation, and Defenses and Damages, and 2) the Initial Learning Quiz (Must be completed before class Week 3, Day 1)
- **Week 2**
- Day 1 (1/26)
 - Introduction to the MBE and key skills
 - HW: Continue the assignment from Week One, Class Two
- Day 2 (1/28)
 - Introduction to the UBE Essay
 - HW: Continue the assignment from Week One, Class Two
- **Week 3**
- Day 1 (2/2)

- Grading UBE essays, class critique of essay
- HW:
 - Read Mapping MBE Topics – Torts from Temm, pages 233-248
 - Complete essay 1 prior to next class. Email to Prof. Simmons (lepsimmons@uh.edu) no later than 12:59pm. Limit yourself to 35 min.
- Day 2 (2/4)
 - Practice Torts MBE
 - Go over Essay 1
 - HW:
 - Complete essay 2 due prior to next class. Email to Prof. Simmons no later than 12:59pm. Limit yourself to 30 min.
- **Week 4**
- Day 1 (2/9)
 - Review essay 2
 - Go over MBE questions
 - HW:
 - Complete essay 3 and email to Prof. Simmons no later than 12:59pm. Limit yourself to 30 min.
 - Sign up for conferences!
- Day 2 (2/11)
 - Review essay 3
 - Peer review
 - HW: Read pages 53-59 of Temm. Skim 61-81 of Temm.
- **Week 5**
- Day 1 (2/16)

- Introduction to the MPT and MPT Skills
- MPT grading exercise
- HW: Complete MPT and email to Prof. Simmons no later than 12:59pm. It should take no longer than 100 min (or 1hr 40 min).
- Day 2 (2/18)
 - Review MPT assignment
 - Outline “wildcard” MPT
 - HW: Complete MPT and email to Prof. Simmons no later than 12:59pm. Take no longer than 100 min (or 1 hr 40 min.)
- **Week 6**
- CONFERENCES THIS WEEK
- Day 1 (2/23)
 - Guest speaker – TENSATIVE
 - HW: Watch the Barbri Matrix Contracts videos and complete 1) AMPS Offer and Acceptance, Consideration, Defenses, and Remedies, and 2) the Initial Learning Quiz (must be completed before class Week 7, day 1)
- Day 2 (2/25)
 - Go over MPT 2
 - HW: Watch the Barbri Matrix Contracts videos and complete 1) AMPS Offer and Acceptance, Consideration, Defenses, and Remedies, and 2) the Initial Learning Quiz (must be completed before class Week 7, day 1)
- **Week 7**
- Day 1 (3/2)
 - Contracts MBE Practice
 - Read Mapping MBE Topics – Torts from Temm, pages 147-165

- Complete essay 1 prior to class on Thursday. Email to Prof. Simmons (lepsimmons@uh.edu) no later than 12:59pm. Limit yourself to 35 min.
- Day 2 (3/4)
 - Review essay 1
 - Go over MBE questions
 - HW: Complete essay 2 and email to Prof. Simmons AND complete the Torts Retention Quiz on the BarBri Matrix - no later than 12:59pm (both assignments).
- **Week 8**
- Day 1 (3/9)
 - Ks and Torts MBE review
 - Go over Ks EE 2
 - HW: Complete Essay 3 and email to Prof. Simmons no later than 12:59pm.
- Day 2 (3/11)
 - Go over Ks Essay 3
 - Continue Ks MBE
 - HW: Complete Ks EE 4 and email to Prof. Simmons – no later than 12:59pm.
- **Week 9**
- **SPRING BREAK (March 15-20)**
- **Week 10**
- Day 1 (3/23)
 - Review Ks EE 4
 - Continue Ks MBE
 - CONFERENCES NEXT WEEK

- HW: Complete MPT 3 and email to Prof. Simmons – no later than 12:59pm AND Watch all Evidence videos on Barbri Matrix and complete the 3 AMPs (Character, Impeachment, and Hearsay AND the Evidence Initial Learning Questions by 12:59pm Thursday, Week 11, day 2.
- Day 2 (3/25)
 - Review MPT 3
 - Outline MPT
 - HW: Complete MPT 4 and email to Prof. Simmons – no later than 12:59pm AND Watch all Evidence videos on Barbri Matrix and complete the 3 AMPs (Character, Impeachment, and Hearsay AND the Evidence Initial Learning Questions by 12:59pm Thursday, Week 11 day 2.
- **Week 11**
- **CONFERENCES THIS WEEK**
- Day 1 (3/30)
 - Review MPT 4
 - HW: Complete the Evidence Initial Learning Questions AND Watch all Evidence videos on Barbri Matrix and complete the 3 AMPs (Character, Impeachment, and Hearsay) by 12:59pm.
- Day 2 (4/1)
 - Evidence MBE questions practice and Torts Review
 - HW: Complete Evidence Essay 1 and email it to Prof. Simmons – no later than 12:59pm Thursday, next class that meets (note week 12, day 1 is no class)
- **Week 12**
- Day 1 (4/6)
 - NO CLASS (Made up during conferences. Unless we need to make up a bad weather day.)
- Day 2 (4/8)

- Guest speaker -- TENTATIVE
- Review Evidence EE 1
- HW: Complete Contracts Retention Building Quiz on the BarBri Matrix and complete Evidence EE 2 and email to Prof. Simmons – no later than 12:59pm.
- **Week 13**
- Day 1 (4/13)
 - Review Evidence EE 2
 - Evidence MBE practice
 - HW: Complete Evidence EE 3 and email to Prof. Simmons – no later than 12:59pm.
- Day 2 (4/15)
 - Review Evidence EE 3
 - Practice Evidence MBE
 - HW: Complete MPT 5 and email to Prof. Simmons – no later than 12:59pm.
- **Week 14**
- **FINAL CONFERENCES THIS WEEK**
- Day 1 (4/20)
 - Review MPT 5
 - Mixed MBE practice
 - HW: Complete MPT 6 and email to Prof. Simmons no later than 12:59pm.
- Day 2 (4/22)
 - Mixed MBE practice
 - Review MPT 6
 - Real talk: Bar Exam