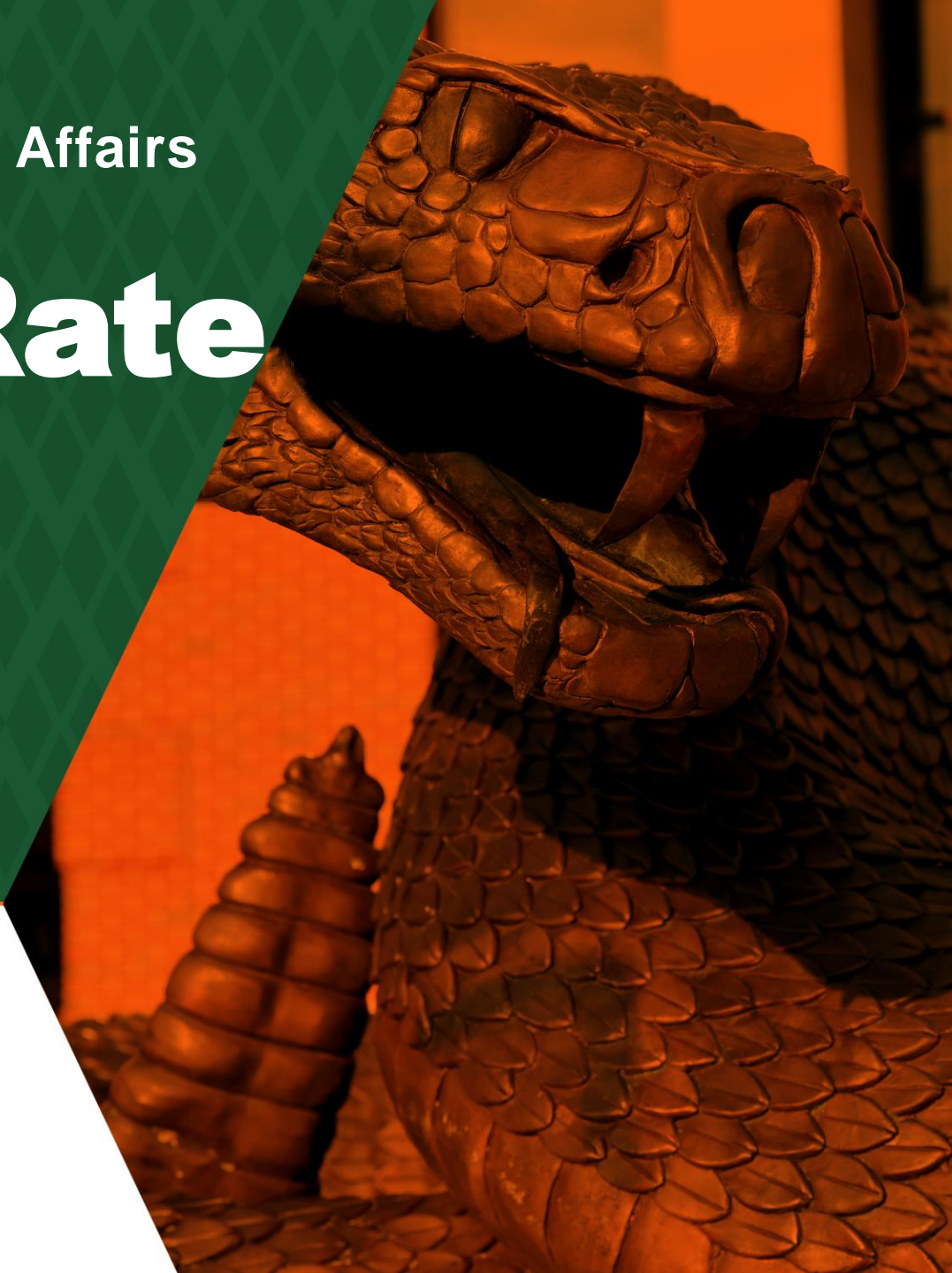


February 1, 2024 | 9 AM

Academic and Student Affairs

# Licensure Pass Rate

Board of Trustees | Licensure Pass Rate Meeting  
Trustee Nicole Washington, ASA Chair



# Licensure Pass Rate Improvement Plans

1. Bachelor of Science in Nursing (BSN)
2. Doctor of Pharmacy (PharmD) Program
3. Doctor of Physical Therapy (DPT) Program
4. Spotlight Presentation: Juris Doctor (JD) Program

# Licensure Pass Rate Improvement Plans

## College of Law

### Focus

Provide an analysis on **Key Performance Indicators** contributing to intended program improvement outcomes.

## Today's Meeting | Juris Doctor (JD) Program

### **Key Highlights:**

1. COL overall objectives

### **Key Takeaways:**

- Bar Preparation and Course Competencies
- Faculty Pedagogy and Best Practices in COL



---

**Strike, Strike, and Strike Again!**








# Update – Nursing

- Fall 2023 1st Semester GPA: 3.54
- Fall 2023 Predictor Exam: 100%
- Fall 2023 Virtual ATI (VATI) Predictor Exam: 80%
- Increase Academic Advisors and Academic Success Coaches.
- 2023 Annual NCLEX pass rate: 82.46%; within 10% of National Average.



Strike, Strike, and Strike Again!

# School of Nursing

Metrics	Rationale for Use	Current Data	Goal	Trend	Key Update
<b>ADMISSIONS</b>					
Admissions Exam	The ATI Test of Essential Academic Skills (TEAS) is a diagnostic test for nursing applicants. It provides an assessment of student readiness for the rigors of the nursing program.	<u>Proficiency (S23/F23/S24)</u> 100% / 100% / 100%	<u>Proficiency (S23/F23/S24)</u> 95% / 95% / 95%		Maintaining the above admission exam requirements. Nursing utilizes the TEAS test and GPA in science and math to assist in the admission process to assess student readiness for the nursing program.
UG GPA (Science and Math)	The cohort science and mathematics average GPA provides an assessment of the overall quality and level of preparedness of the entering cohort.	<u>GPA (S23/F23/S24)</u> 3.53 / 3.55 / 3.34	<u>GPA (S23/F23/S24)</u> 3.50 / 3.50 / 3.50		
<b>RETENTION</b>					
GPA of First-Year Cohort	First-semester and first-year GPAs provide an assessment of student mastery of content.	<u>First-Semester GPA (F21/F22/F23)</u> 2.80 / 3.15 / 3.54	<u>First-Semester GPA (F21/F22/F23)</u> >3.30 / >3.30 / >3.30		The rigor of the program changed from 16 weeks to 8 weeks sessions and the change from 70% to 75% weighted exam average to pass courses was implemented. Resources such as 1:1 success coaching and remediation are in place to assist students in adjusting and to increase program completion. Data after Fall 2023 will reflect four semesters.
		<u>End of FY GPA (F20/F21/F22)</u> 3.20 / 2.76 / 3.17	<u>End of FY GPA (F20/F21/F22)</u> > 3.50 / > 3.50 / >3.50		
Program Completion Rates	Program completion is measured from the time students enter the program until they graduate upon completing the remaining 60 credits of professional level nursing courses.	<u>Graduating Cohort (S22/F22/S23)</u> 70% / 76% / 56%	<u>Graduating Cohort (S22/F22/S23)</u> 85% / 85% / 85%		
<b>READINESS OUTCOMES</b>					
NCLEX Predictor Exam	The program administers the ATI Comprehensive Predictor Exam to students during their final semester. This exam is an accurate predictor of success on the NCLEX exam.	<u>Graduating Cohort (F22/S23/F23)</u> 92% / 95% / 100%	<u>Graduating Cohort (F22/S23/F23)</u> > 85% / >85% / >85%		ATI Predictor exam predicts NCLEX exam readiness and success.
NCLEX Scores	The National Council Licensure Examination (NCLEX) Exam is administered four times per year.	<u>FAMU (National) by Quarter (21/22/23)</u> 62.30% / 68.18% / 82.46% (86.06%) / (82.32%) / (90.17%)	<u>Graduating Cohort (21/22/23)</u> >85% / > 85% / >85%		The annual 2023 NCLEX pass rate is 82.46%, within 10% of the National Average.
<b>ACCREDITATION &amp; REGULATION</b>					
ACEN FL Board of Nursing	- The BSN program is accredited by the Accreditation Commission for Education in Nursing (ACEN) - The FL BON regulates all pre-licensure nursing education. Requires annual pass rate of 10% of the national average..	- Accredited through 2026 - Probation through 2023. Review in Jan. 2024	Continued accreditation w/o conditions		






# Update - College of Pharmacy & Pharmaceutical Sciences, Institute of Public Health

- Course review - mechanism for strengthening the curriculum.
- New faculty must attend a teaching workshop(s).
- Learner's Executive Council helps to identify teaching and learning concerns.
- Accreditation report due February 1, 2024



# College of Pharmacy & Pharmaceutical Sciences, Institute of Public Health

## Key Performance Indicators

Metrics	Rationale for Use	Current Data	Goal	Trend	Key Update
<b>ADMISSIONS</b>					
<b>Admissions Metric</b>	The cohort science and mathematics quality and level of prepared average GPA provides an assessment of the overallness of the entering cohort.	<b>( F21 / F22 / F23 )</b> <b>3.34 / 3.22 / <u>3.24</u></b>	<b>(F21 / F22 / F23)</b> <b>&gt;3.25 / &gt;3.30 / <u>&gt;3.30</u></b>		Pharmacy program faculty review the incoming UG GPA in science and math courses to assess predictive preparedness.
<b>RETENTION</b>					
<b>Program Completion Rates</b>	ACPE annually monitors the progression trends of the graduating class for accredited programs. Programs must remain below established thresholds.	<b><u>Academic Dismissals</u></b> <b>(21' / 22' / 23')</b> <b>5% / 1% / <u>4%</u></b>	<b><u>Overall Attrition</u></b> <b>(21' / 22' / 23')</b> <b>49% / 39.3% / <u>34%</u></b>	<b><u>Dismissals (22' / 23')</u></b> <b>&lt; 6% / &lt; 6%</b> <b><u>Attrition (22' / 23')</u></b> <b>&lt; 24% / &lt; 24%</b>	 Academic dismissals and overall attrition trending down. Continuing to monitor and act accordingly.
<b>READINESS OUTCOMES</b>					
<b>Diagnostics</b>	The program administers the Pharmacy Curriculum Outcomes Assessment (PCOA) in the P3 year to assess the effectiveness of the didactic curriculum with respect to preparing learners for the NAPLEX.	<b><u>FAMU (National)</u></b> <b>( 21' / 22' / 23' )</b> <b>306 (343) / 295 (345) / <u>302 (330)</u></b>			<b>PCOA retired in June 2023</b>
<b>Comprehensive Examination</b>	The program administers the Comprehensive Exam to learners during their final semester (P4). A minimum score of 75% is required to pass; Learners are given five opportunities.	<b><u>% of Cohort Passing - 3rd Attempt</u></b> <b>(Sp 21' / 22' / 23' )</b> <b>91% / 95% / <u>96%</u></b>	<b>Spring 2023: &gt; 90%</b> <b>Spring 2024: &gt; 90%</b>		Examination pass rate is above goal and continually increasing.
<b>NAPLEX Scores</b>	Candidates are allowed a maximum of five attempts on the North American Pharmacist Licensure Examination (NAPLEX).	<b><u>FAMU (National)</u></b> <b>( 20' / 21' / 22' )</b> <b>80% (87%) / 90% (84%) / <u>85% (80%)</u></b>	<b><u>State Averages (22')</u></b> USF: 87.5%. UF: 85.9% PBA: 80%. NSE: 78.9% Larkin: 66%		The pharmacy program has an established pass rate goal for 2024 and are implementing curricular and clinical processes to exceed the goal in the 2024.
<b>ACCREDITATION</b>					
<b>ACPE</b>	The PharmD program is accredited by the Accreditation Council for Pharmacy Education (ACPE)	The program is fully accredited through June 2024.	The next onsite evaluation is scheduled for Spring 2024.		

# Update – Doctor of Physical Therapy








- PT Hustle NPTE Boot Camp for graduates
- Current first semester GPA: 3.59
- Current progression rate: 98.3%
- Current matriculation rate: 97%





# Doctor of Physical Therapy

## Key Performance Indicators

Metrics	Rationale for Use	Current Data (Fall 21' / 22' /23')		Goal	Trend	Key Update
<b>ADMISSIONS</b>						
<b>Admissions Exam (GRE)</b>	The Graduate Record Exam (GRE) is a standardized exam that assesses analytical writing, verbal reasoning and quantitative reasoning skills. Applicant rates (cumulative score greater than 300 and quantitative score greater than 147 are positive predictors).	<u>GRE-Total</u> 302 / 301.7 / 299	<u>GRE-Quantitative</u> 151 / 151 / 149	GRE-Total: <b>300</b> GRE-Quantitative: <b>150</b>	 	Maintain minimum admission profile requirements. Enhanced interview process.
<b>Undergraduate GPA</b>	Analysis of historical cohort data indicates a positive correlation of licensure pass rates with cumulative GPA and GPA earned over the last 60 hours of the undergraduate record.	<u>Cumulative</u> 3.29 / 3.24 / 3.39	<u>Last 60 Hours</u> 3.52 / 3.50 / 3.44	Cumulative: <b>3.5</b> Last 60 Hours: <b>3.5</b>		
<b>RETENTION</b>						
<b>GPA of First Year Cohort</b>	Analysis of historical cohort data indicates a positive correlation of licensure pass rates with first semester (fall) GPA.	<u>First-Semester</u> 3.59 / 3.51 / 3.59		First –Semester: <b>3.3</b>		Early identification of foundational deficits addressed with tutoring and remediating.
<b>Cohort Progression Rates</b>	Monitors percentage of students in each entering cohort who remain on track with the program curriculum and graduate on time (program takes three years to complete)	<u>Cohort</u> 91.7% / 100% / 98%		Progression Rate: 95%		
<b>READINESS OUTCOMES</b>						
<b>Diagnostic Exams</b>	The program administers comprehensive exams to each cohort throughout the curriculum to assess student mastery of content and readiness to progress.	<u>Cohort 2021 (2nd year): Comprehensive Skills Check-Off (1<sup>st</sup> / 2<sup>nd</sup> / 3<sup>rd</sup> Attempts)</u> 35% (8/23) / 57% (13/23) / 100% (23/23)		<u>Cohort Average</u> 2nd yr. Cohort: perform patient care with less than 50% assist (CPI) 3rd yr. Cohort: 90%+ first-time pass rate		Enhanced tracking and monitoring of comprehensive exit exam and first-time pass rate with clinical experiences.  <b>Immediate Action Items:</b>
<b>National Physical Therapy Examination</b>	The National Physical Therapy Examination is administered by the Federation of State Board of Physical Therapy 3 times per year. Graduates of accredited physical therapy schools are eligible for registration.	<u>Annual First-Time Pass Rates</u> 82% / 79.2% / 77.0% (National) 87.9% / 84.9% / 86.3%	<u>FAMU Ultimate Pass Rate</u> 100% / 91.7% / 86.7% <u>National Ultimate Pass Rate</u> 98.7% / 97.1% / 88.7%	Annual First-Time Pass Rate (3-Year Ave.) 2023: 90% (90%) 2022: 90% (90%) 2021: 90% (88%)		Curricula embedded Final Frontier NPTE Preparatory course. "Return2Campus" Exit Comprehensive Examination (PEAT)
<b>ACCREDITATION</b>						
<b>CAPTE</b>	The DPT Program is accredited by the Commission on Accreditation in Physical Therapy Education (CAPTE).	The program is fully accredited through 2024.	CAPTE Requirement Standard 1C2: Ultimate licensure pass rates are at least 85%, averaged over two years.			

2023-2024

# COLLEGE *of* LAW

▶ *February Update*

**Deidre Keller, J.D.** | Dean

**Cecil Howard, J.D.** | Associate Provost for the College of Law



FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY



# FACULTY AND STAFF LEVERAGING THE BRAND

**STRIKING**  
*from the*  
**TOP**



**Priscilla Harris**  
Interim Director, Legal Research and Writing & Instructor

Presenter  
**Learning with Our Students: Adjusting to Our Developing Understanding of the NextGen Bar Exam**

AALS 2024 Annual Meeting  
#AALS2024



**Erika Hill**  
Director of Law Admissions

Presenter  
**Defending Democracy by Defending Diversity: The Ramifications of the Students for Fair Admissions**

AALS 2024 Annual Meeting  
#AALS2024



**Aretou Imoukhuede**  
Professor of Law

Presenter  
**Embracing Alternatively Scheduled Students: Unexpected Benefits for Faculty & the Legal Profession**

AALS Workshop for Premiered Law School Teachers of Color: Session Four: Scholarship

Moderator  
**Online Legal Education: Advancing Inclusive Pedagogy**

AALS 2024 Annual Meeting  
#AALS2024



**Darryll Jones**  
Professor of Law

Presenter  
**Recent Scholarship in Nonprofit & Philanthropy Law**

AALS 2024 Annual Meeting  
#AALS2024



**Maritza Reyes**  
Professor of Law

Presenter  
**Feminism, the Development of Professional Identity, and Implementing Standard 303(b)**

AALS 2024 Annual Meeting  
#AALS2024



Strike, Strike, and **Strike Again!**



# STUDENTS SERVING THE COMMUNITY

## MLK EVENTS

Community Forum  
City of Orlando Parade  
Great Day of Service



Strike, Strike, and **Strike Again!**

# COL BAR SUCCESS OPERATING BUDGET

2023-2024

## COLLEGE INITIATIVE

FY23

Barbri Instructional and Data Resources

\$57,588

Diagnostic Exams

\$8,000

## Commercial Bar Tutoring

\$32,600

Supplemental Bar Prep Resources

\$60,250

## Recruitment Scholarships

\$460,220\*

Retention Scholarships

\$290,236\*

Legal Writing Center

\$179,800\*

TOTAL

\$1,088,694

# FACULTY SUCCESS IMPLEMENTATION

An inclusive approach to success!

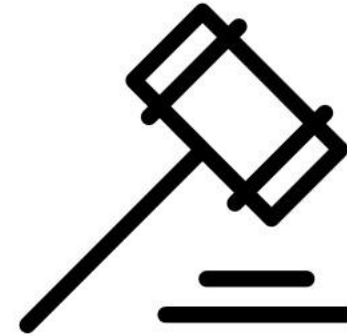
*Success on the*  
**BAR**



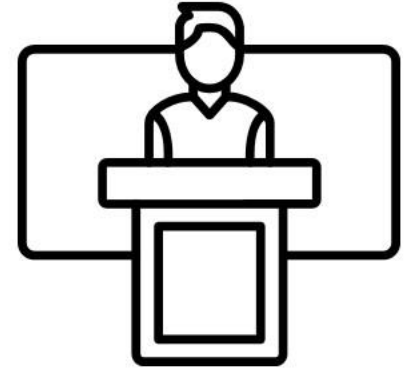
*Accomplishing the best end result!*



Improved  
Student  
Data  
Tracking



Assessment  
Based-Bar  
Alignment



Professional  
Development  
for Faculty

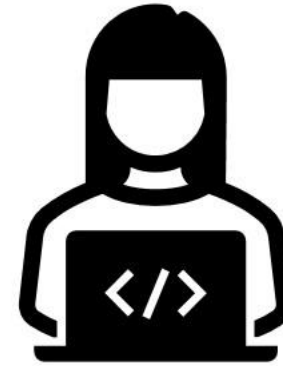
# STUDENT SUCCESS

A methodology for enhancing success.

## Inputs-Outcomes ACHIEVEMENT



Increased  
Student  
Admission  
Profile

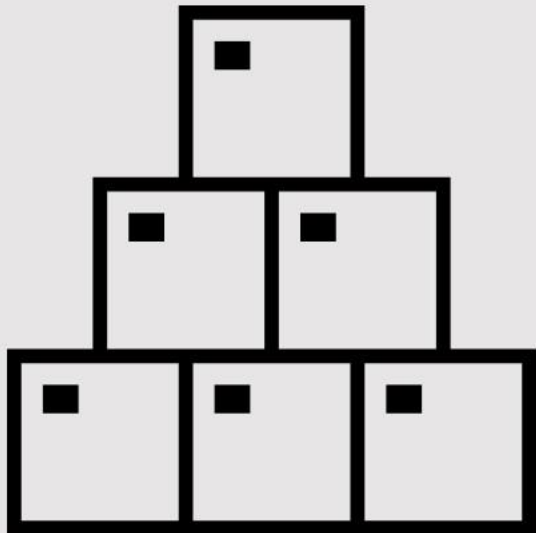


Increased Use of  
Diagnostic  
Assessments

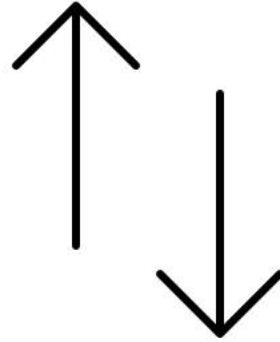


Targeted  
Intervention for  
Students with a  
1L GPA of 2.7 or  
Less

# Bar Success COMPONENTS



## CONTENT



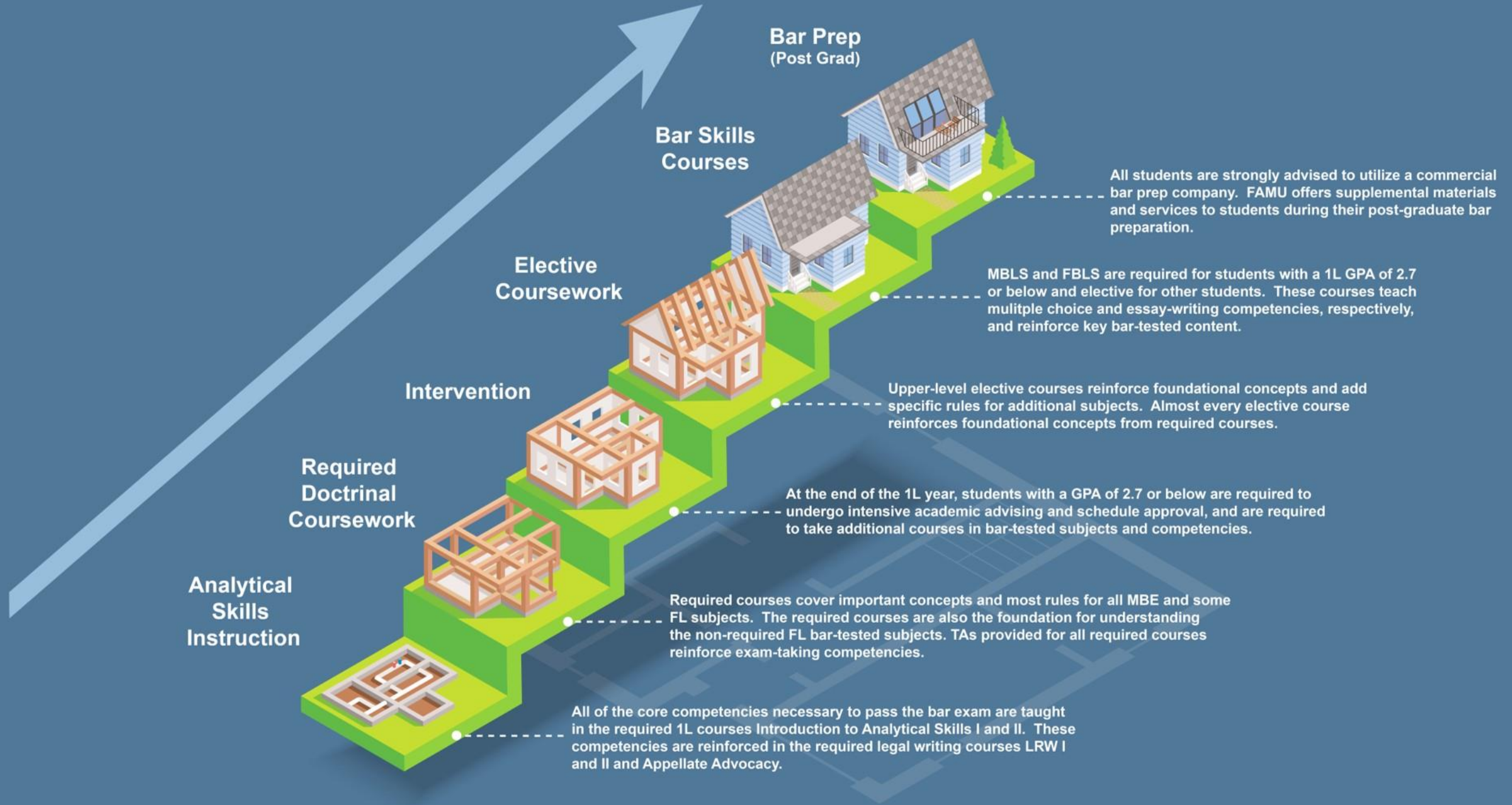
MBE Subject  
Concepts and Rules  
FL Subject Concepts  
and Rules

## COMPETENCIES



Critical Reading  
Legal Analysis  
Legal Writing  
Exam-Taking Skills





Prior to entering the first class at FAMU COL, students are required to complete “Ultimate Law School Prep.”



Multistate Bar Exam Subjects

# Multistate Bar Exam



Florida Bar

# Florida Bar

# SUBJECT MATTER TOPICS, CONCEPTS AND RULES

## MBE SUBJECTS

Civ Pro  
Con Law  
**Contracts**  
Crim Law  
Evidence  
Property  
Torts

## CONTRACT TOPICS

**Formation**  
Defenses  
Interpretation  
Performance/Breach  
Remedies  
3rd Party Rights

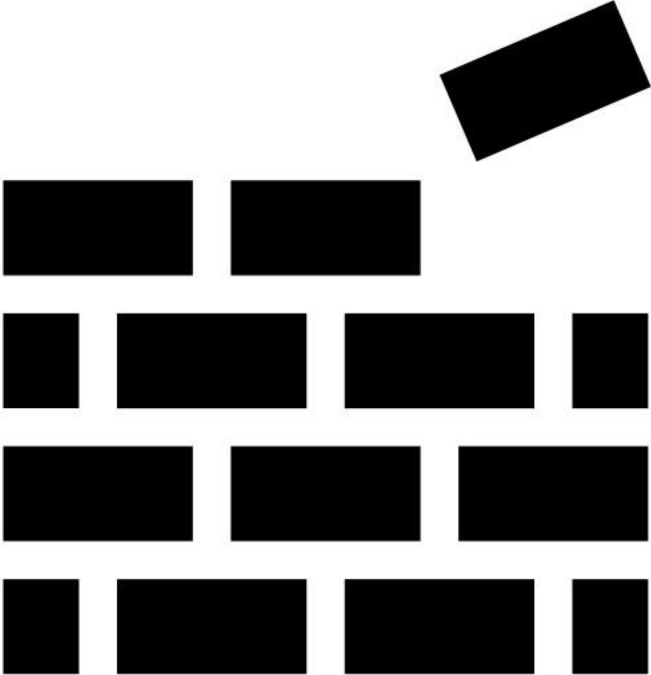
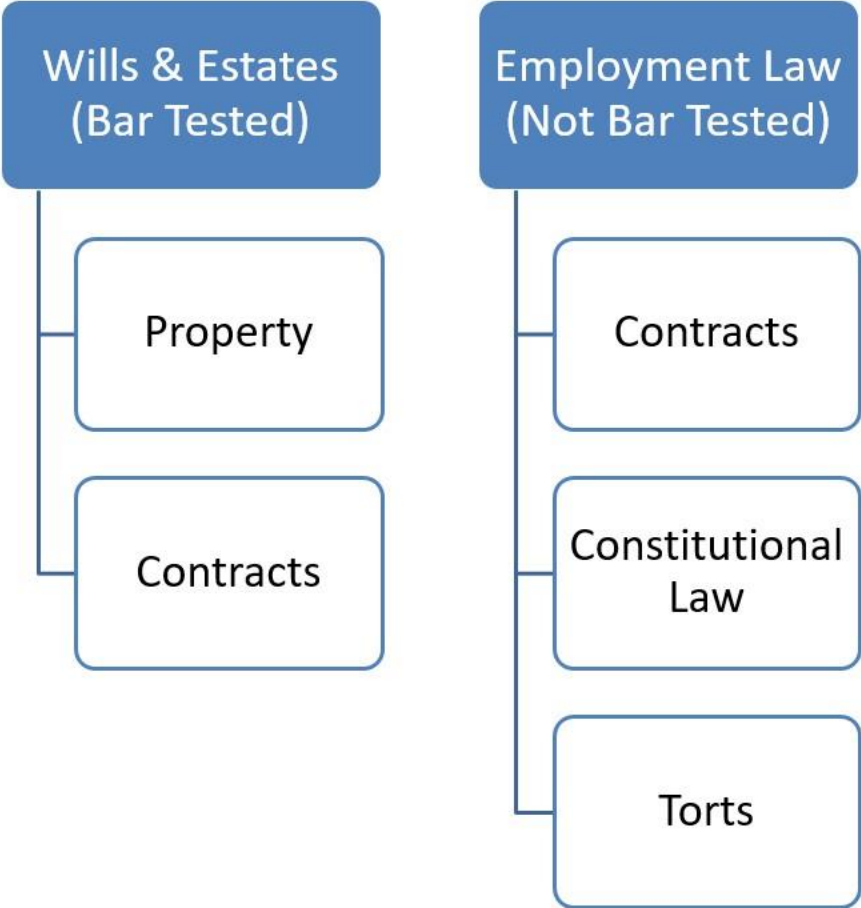
## FORMATION CONCEPTS

**Mutual Assent**  
Certainty of Terms  
Consideration  
Reliance/Restitution  
Modification

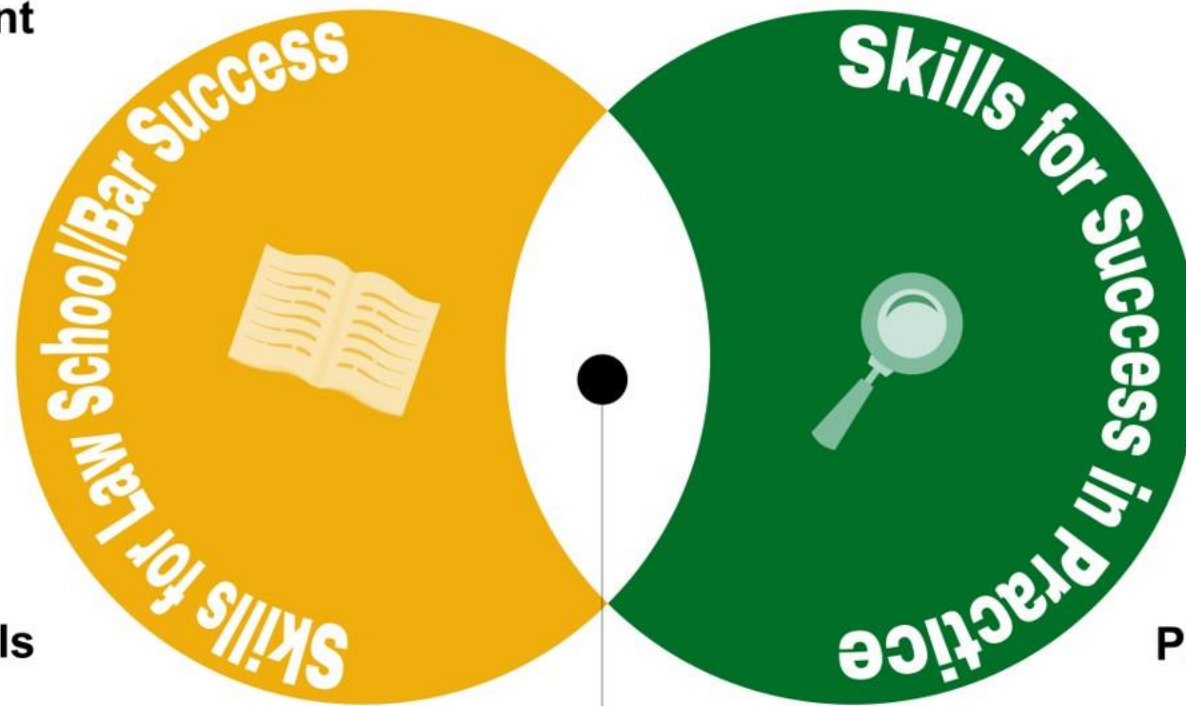
## MUTUAL ASSENT RULES (PARTIAL)

Offer  
Acceptance  
Rejection  
Counteroffer  
Revocation  
Unilateral/Bilateral  
Mailbox Rule  
Implied-In-Fact

# ELECTIVE COURSES BUILD ON REQUIRED COURSES



- Time Management
- Metacognition
- Endurance
- Exam Taking Skills

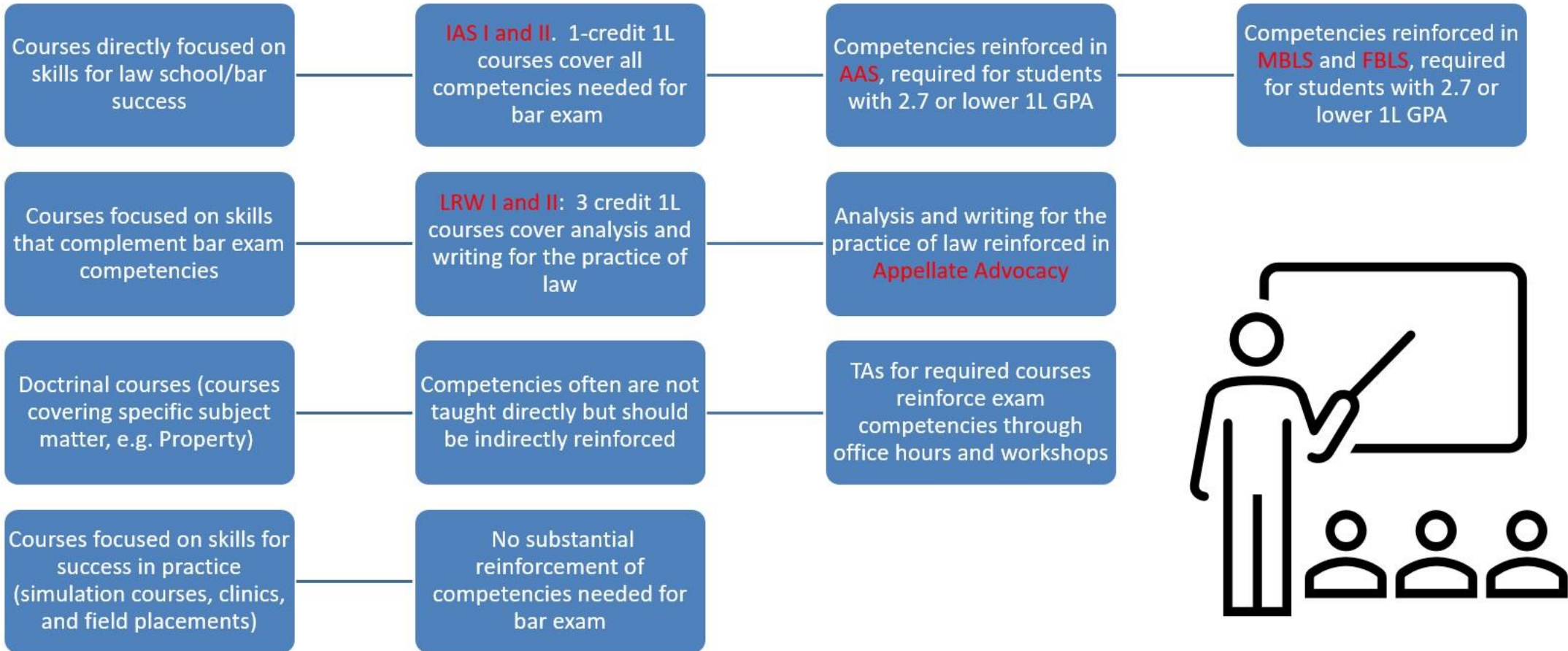


- Legal Research
- Factual Investigation and Evaluation
- Analogic Reasoning
- Project Management

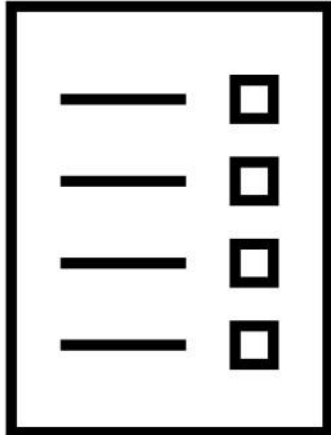
**Critical Thinking & Reading**  
**Legal Analysis and Writing Skills**

- Issue Identification
- Rule Application / Analysis of Relevant Facts
- Rule Articulation and Explanation
- Concluding Reasonably
- Technical Writing

# COMPETENCY INSTRUCTION



# POST-GRADUATION BAR PREP



## Commercial Bar Prep Companies

### Major Companies

- Barbri (35.6% of Feb Takers)
- Kaplan (33.3% of Feb Takers)
- Themis (31.1% of Feb Takers)

### Services

- Law Outlines and Video Lectures
- Practice Questions
- Recommended Course of Study

### Role in Bar Prep

- Mostly content review, not competency focused
- With good competency foundation, students should be able to fill in gaps in content with commercial bar prep materials

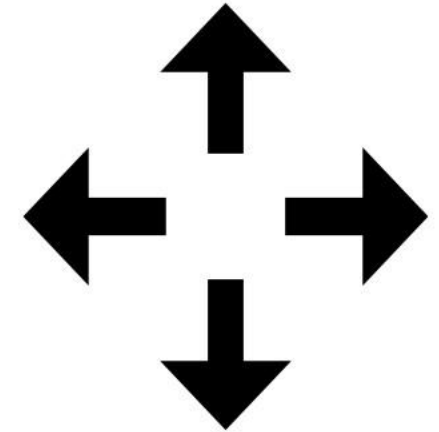
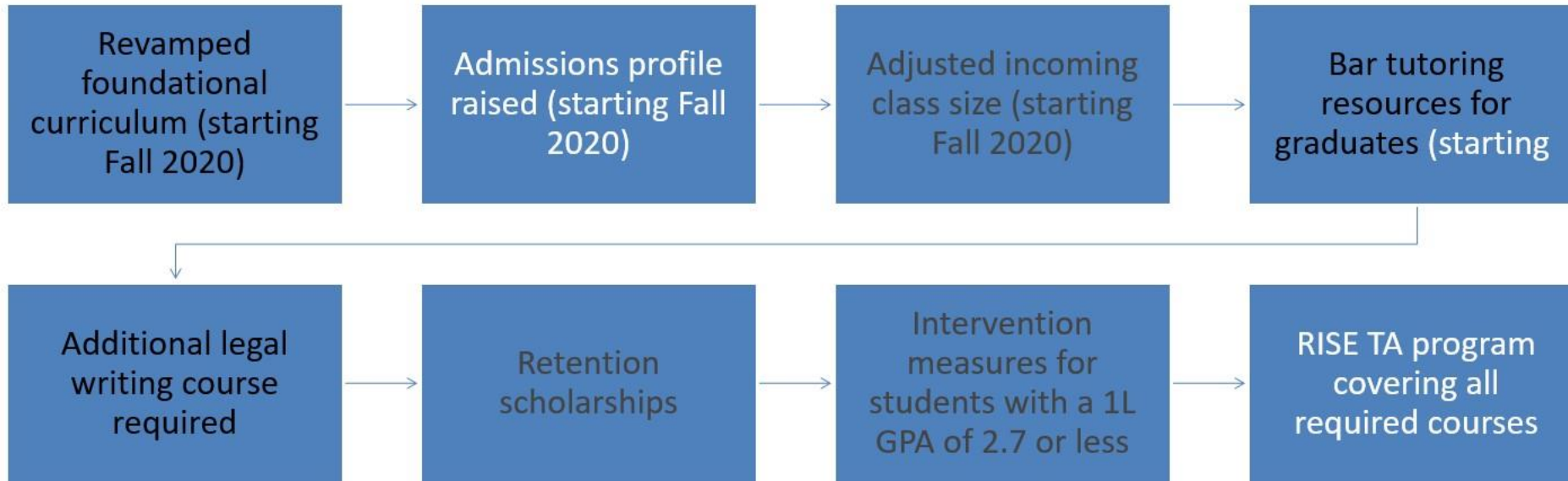
### Usage

- Essential part of bar prep – students unlikely to master content without it
- Not all students use one of the major companies
- Not all students substantially complete the recommended course of study

### Intervention

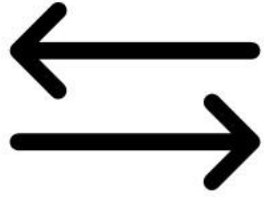
- Bar Prep companies help identify struggling students
- The COL provides commercial bar tutoring services to identified students

# CHANGES IMPLEMENTED





# WORK IN PROGRESS



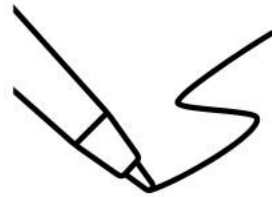
Revamp ASBP Program



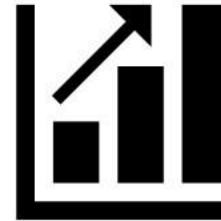
Increasing coordination  
between ASBP and LRW  
Program



Integrating more  
competency instruction  
into doctrinal courses



Establishing a writing  
center



Faculty strategy for  
improving bar results

# *Major* CHALLENGES

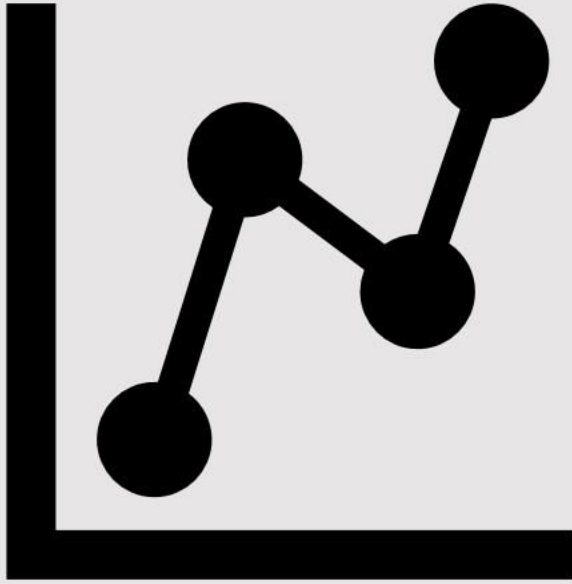


Course design and pedagogy improvements for faculty



Changing student culture to prioritize the best bar prep practices

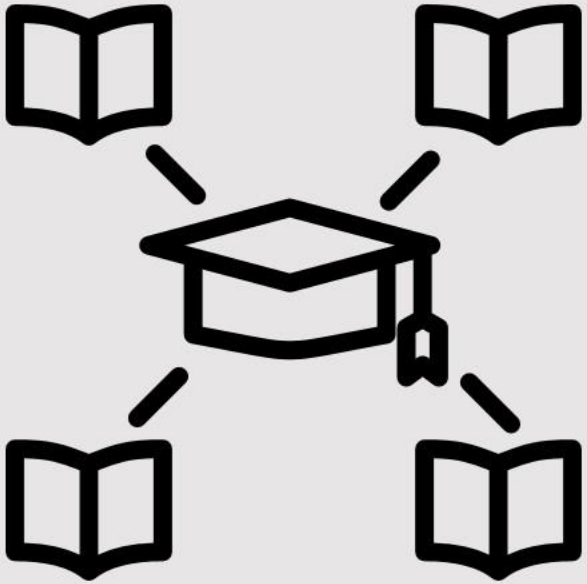
# February Exam Update



- **Projected Number of February First Time Takers**
  - 22-27
- **Incoming Terms of February First Time Takers**
  - 2017 (3); 2018 (1); 2019 (4); 2020 (16); 2021 (3)
- **Graduating Terms of February First Time Takers**
  - Spring 20 (1); Spring 21 (1); Summer 21 (1); Spring 22 (1);  
Spring 23 (9); Summer 23 (2); Fall 23 (12)

# February Exam Update

## *Student* TOUCHES



- **Incoming Credentials**

- Median UGPA - 3.2
- Median LSAT - 147

- **First-Year Data**

- Median Foundational GPA - 2.66



Civil Procedure

- I. Jurisdiction & venue**
  - 1. Subject matter jurisdiction: state courts, federal courts, or state
  - 2. Personal jurisdiction
  - 3. Venue
  - 4. Multiple forums or venue
  - 5. Venue conveniences
  - 6. Venue selection
- II. Law applied by the courts**
  - 1. Federal law
  - 2. State law
- III. Federal procedure**
  - 1. Federal Rules of Civil Procedure
  - 2. Federal Rules of Evidence
  - 3. Federal Rules of Criminal Procedure
  - 4. Federal Rules of Appellate Procedure
  - 5. Federal Rules of Bankruptcy Procedure
  - 6. Federal Rules of Admiralty and Maritime Procedure
  - 7. Federal Rules of Arbitration
  - 8. Federal Rules of Dispute Resolution
  - 9. Federal Rules of Environmental Procedure
  - 10. Federal Rules of Health Care Procedure
  - 11. Federal Rules of Intellectual Property Procedure
  - 12. Federal Rules of Labor-Management Procedure
  - 13. Federal Rules of Labor Procedure
  - 14. Federal Rules of Labor-Management Procedure
  - 15. Federal Rules of Labor-Management Procedure
  - 16. Federal Rules of Labor-Management Procedure
  - 17. Federal Rules of Labor-Management Procedure
  - 18. Federal Rules of Labor-Management Procedure
  - 19. Federal Rules of Labor-Management Procedure
  - 20. Federal Rules of Labor-Management Procedure
- IV. State law**
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  - 2. State law
  - 3. State law
- V. Discovery**
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- VI. Summary judgment**
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- VII. Judgment & appeals**
  - 1. Judgment
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  - 7. Judgment
  - 8. Judgment
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- VIII. Remedies & relief**
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- IX. Habeas corpus & writs**
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Monistia

- I. Monistia**
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- II. Other crimes**
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- III. Increase crimes; parties**
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General principles

- IV. General principles**
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- V. Constitutional protection of accused persons**
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Nature of judicial review

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- II. The separation of powers**
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Individual rights

- IV. Individual rights**
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Criminal Law & Procedure

- I. Severity of trial property**
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- II. Rights to habeas corpus**
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- III. Independent liability**
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- IV. Title**
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Contracts

- I. Formation of Contracts**
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- II. Enforceability**
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- III. Contract law & remedy**
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- IV. Performance, breach, & discharge**
  - 1. Performance, breach, & discharge
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  - 4. Performance, breach, & discharge
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  - 20. Performance, breach, & discharge
- V. Remedies**
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- VI. The party rights**
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Real Property

- I. Formation of Real Estate**
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- II. Intensity and reasons for including**
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- III. History and development of its**
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- IV. Holdings and other policy**
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- V. Holdings, recording, and**
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Evidence

- I. Evidence**
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Torts

- I. Individual torts**
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- II. Negligence**
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- III. Strict liability and products liability**
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- IV. Other torts**
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Business  
Entities

Contracts

Criminal Law

Evidence

Family Law

Federal  
Constitutional  
Law

Florida  
Constitutional  
Law

Florida Civil  
Procedure

Florida  
Criminal  
Procedure

Real Property

Torts

Wills & Trusts

Negotiable  
Instruments

Professionalism

FL Rules of  
Judicial  
Administration

Secured  
Transactions



Florida Bar

# Civil Procedure

## I. Jurisdiction & venue

- A. Federal subject-matter jurisdiction (federal question, diversity, supplemental, and removal)
- B. Personal jurisdiction
- C. Service of process and notice
- D. Venue, forum non conveniens, and transfer

## II. Law applied by federal courts

- A. State law in federal court
- B. Federal common law

## III. Pretrial procedures

- A. Preliminary injunctions and temporary restraining orders
- B. Pleadings and amended and supplemental pleadings
- C. Rule 11
- D. Joinder of parties and claims (including class actions)
- E. Discovery (including e-discovery), disclosure, and sanctions
- F. Adjudication without a trial
- G. Pretrial conference and order

## IV. Jury Trials

- A. Right to jury trial
- B. Selection and composition of juries
- C. Requests for and objections to jury instructions

## V. Motions

- A. Pretrial motions, including motions addressed to face of pleadings, motions to dismiss, and summary judgment motions
- B. Motions for judgments as a matter of law (directed verdicts and judgments notwithstanding the verdict)
- C. Posttrial motions, including motions for relief from judgment and for new trial

## VI. Verdicts & Judgements

- A. Defaults and dismissals
- B. Jury verdicts—types and challenges
- C. Judicial findings and conclusions
- D. Effect; claim and issue preclusion

## VII. Appealability & review

- A. Availability of interlocutory review
- B. Final judgment rule
- C. Scope of review for judge and jury

# Contracts

## I. Formation of Contracts

- A. Mutual assent (including offer and acceptance, and unilateral, bilateral, and implied-in-fact contracts)
- B. Indefiniteness and absence of terms
- C. Consideration (bargained-for exchange)
- D. Obligations enforceable without a bargained-for exchange (including reliance and restitution)
- E. Modification of contracts

## II. Defenses to enforceability

- A. Incapacity to contract
- B. Duress and undue influence
- C. Mistake and misunderstanding
- D. Fraud, misrepresentation, and nondisclosure
- E. Illegality, unconscionability, and public policy
- F. Statute of frauds

## III. Contract content & meaning

- A. Parol evidence
- B. Interpretation
- C. Omitted and applied terms

## IV. Performance, breach, & discharge

- A. Conditions (express and constructive)
- B. Excuse of conditions
- C. Breach (including material and partial breach, and anticipatory repudiation)
- D. Obligations of good faith and fair dealing
- E. Express and implied warranties in sale-of-goods contracts
- F. Other performance matters (including cure, identification, notice, and risk of loss)
- G. Impossibility, impracticability, and frustration of purpose
- H. Discharge of duties (including accord and satisfaction, substituted contract, novation, rescission, and release)

## V. Remedies

- A. Expectation interest (including direct, incidental, and consequential damages)
- B. Causation, certainty, and foreseeability
- C. Liquidated damages and penalties, and limitation of remedies
- D. Avoidable consequences and mitigation of damages
- E. Rescission and reformation
- F. Specific performance and injunction
- G. Reliance and restitution interests
- H. Remedial rights of breaching parties

## VI. Third-party rights

- A. Third-party beneficiaries
- B. Assignment of rights and delegation of duties



## I. Nature of judicial review

- A. Organization and relationship of state and federal courts in a federal system
- B. Jurisdiction
  - 1. Congressional power to define and limit
  - 2. The Eleventh Amendment and state sovereign immunity
- C. Judicial review in operation
  - 1. The “case or controversy” requirement, including the prohibition on advisory opinions, standing, ripeness, and mootness
  - 2. The “adequate and independent state ground”
  - 3. Political questions and justiciability

## II. The separation of powers

- A. The powers of Congress
  - 1. Commerce, taxing, and spending powers
  - 2. War, defense, and foreign affairs powers
  - 3. Power to enforce the 13th, 14th, and 15th Amendments
  - 4. Other powers
- B. The powers of the president
  - 1. As chief executive, including the “take care” clause
  - 2. As commander in chief
  - 3. Treaty and foreign affairs powers
  - 4. Appointment and removal of officials
- C. Federal interbranch relationships
  - 1. Congressional limits on the executive
  - 2. The presentment requirement and the president’s power to veto or to withhold action
  - 3. Nondelegation doctrine
  - 4. Executive, legislative, and judicial immunities

## III. The relation of nation and states in a federal system

- A. Intergovernmental immunities
  - 1. Federal immunity from state law
  - 2. State immunity from federal law, including the 10th Amendment
- B. Federalism-based limits on state authority
  - 1. Negative implications of the commerce clause
  - 2. Supremacy clause and preemption
  - 3. Authorization of otherwise invalid state action

## IV. Individual rights

- A. State action
- B. Due process
  - 1. Substantive due process
    - a. Fundamental rights
    - b. Other rights and interests
  - 2. Procedural due process
- C. Equal protection
  - 1. Fundamental rights
  - 2. Classifications subject to heightened scrutiny
  - 3. Rational basis review
- D. Takings
- E. Other protections, including the privileges and immunities clauses, the contracts clause, unconstitutional conditions, bills of attainder, and ex post facto laws
- F. First Amendment freedoms
  - 1. Freedom of religion and separation of church and state
    - a. Free exercise
    - b. Establishment
  - 2. Freedom of expression
    - a. Content-based regulation of protected expression
    - b. Content-neutral regulation of protected expression
    - c. Regulation of unprotected expression
    - d. Regulation of commercial speech
    - e. Regulation of, or impositions upon, public school students, public employment, licenses, or benefits based upon exercise of expressive or associational rights
    - f. Regulation of expressive conduct
    - g. Prior restraint, vagueness, and overbreadth
  - 3. Freedom of the press
  - 4. Freedom of association

## I. Homicide

- A. Intended killings
  - 1. Premeditation, deliberation
  - 2. Provocation
- B. Unintended killings
  - 1. Intent to injure
  - 2. Reckless and negligent killings
  - 3. Felony murder
  - 4. Misdemeanor manslaughter

## II. Other Crimes

- A. Theft and receiving stolen goods
- B. Robbery
- C. Burglary
- D. Assault and battery
- E. Rape; statutory rape
- F. Kidnapping
- G. Arson
- H. Possession offenses

## III. Inchoate crimes; parties

- A. Inchoate offenses
  - 1. Attempts
  - 2. Conspiracy
  - 3. Solicitation
- B. Parties to crime

## IV. General principles

- A. Intended killings
- B. State of mind
  - 1. Required mental state
  - 2. Strict liability
  - 3. Mistake of fact or law
- C. Responsibility
  - 1. Mental disorder
  - 2. Intoxication
- D. Causation
- E. Justification and excuse
- F. Jurisdiction

## V. Constitutional protection of accused persons

- A. Arrest, search and seizure
- B. Confessions and privilege against self-incrimination
- C. Lineups and other forms of identification
- D. Right to counsel
- E. Fair trial and guilty pleas
- F. Double jeopardy
- G. Cruel and unusual punishment
- H. Burdens of proof and persuasion
- I. Appeal and error

# I. Presentation of Evidence

## A. Introduction of evidence

1. Requirement of personal knowledge
2. Refreshing recollection
3. Objections and offers of proof
4. Lay opinions
5. Competency of witnesses
6. Judicial notice
7. Roles of judge and jury
8. Limited admissibility

## B. Presumptions

## C. Mode and order

1. Control by court
2. Scope of examination
3. Form of questions
4. Exclusion of witnesses

## D. Impeachment, contradiction, and rehabilitation

1. Inconsistent statements and conduct
2. Bias and interest
3. Conviction of crime
4. Specific instances of conduct
5. Character for truthfulness
6. Ability to observe, remember, or relate accurately
7. Impeachment of hearsay declarants
8. Rehabilitation of impeached witnesses
9. Contradiction

## E. Proceedings to which evidence rules apply

# II. Relevancy and reasons for excluding relevant evidence

## A. Probative value

1. Relevancy
2. Exclusion for unfair prejudice, confusion, or waste of time

## B. Authentication and identification

## C. Character and related concepts

1. Admissibility of character
2. Methods of proving character
3. Habit and routine practice
4. Other crimes, acts, transactions, and events
5. Prior sexual misconduct of a defendant

## D. Expert testimony

1. Qualifications of witnesses
2. Bases of testimony
3. Ultimate issue rule
4. Reliability and relevancy
5. Proper subject matter for expert testimony

## E. Real, demonstrative, and experimental evidence

# III. Privileges and other policy exclusions

- A. Spousal immunity and marital communications
- B. Attorney-client and work product
- C. Physician/psychotherapist-patient
- D. Other privileges
- E. Insurance coverage
- F. Remedial measures
- G. Compromise, payment of medical expenses, and plea negotiations
- H. Past sexual conduct of a victim

# IV. Writings, recordings, and photographs

- A. Requirement of original
- B. Summaries
- C. Completeness rule

# V. Hearsay and circumstances of its admissibility

## A. Definition of hearsay

1. What is hearsay
2. Prior statements by witness
3. Statements attributable to party-opponent
4. Multiple hearsay

## B. Present sense impressions and excited utterances

## C. Statements of mental, emotional, or physical condition

## D. Statements for purposes of medical diagnosis and treatment

## E. Past recollection recorded

## F. Business records

## G. Public records and reports

## H. Learned treatises

## I. Former testimony; depositions

## J. Statements against interest

## K. Other exceptions to the hearsay rule

## L. Right to confront witnesses



Evidence

<b>I. Ownership of real property</b>	<b>II. Rights in real property</b>	<b>IV. Mortgages/security devices</b>	<b>V. Titles</b>
<b>A. Present estates and future interests</b>	<b>A. Restrictive covenants</b>	<b>A. Types of security devices</b>	<b>A. Adverse possession</b>
1. Present estates	1. Nature and type	1. Mortgages (including deeds of trust)	<b>B. Transfer by deed</b>
a. Fees simple	2. Creation	a. In general	1. Requirements for deed
b. Defeasible fees	3. Scope	b. Purchase money mortgages	2. Types of deeds (including covenants for title)
c. Life estates	4. Transfer	c. Future advance mortgages	3. Drafting, review, and negotiation of closing documents
2. Future interests	5. Termination	2. Installment land contracts	4. Persons authorized to execute documents
a. Reversions	6. Property owners' associations and common interest ownership communities	3. Absolute deeds as security	<b>C. Transfer by operation of law and by will</b>
b. Remainders, vested and contingent	<b>B. Easements, profits, and licenses</b>	<b>B. Security relationships</b>	1. In general
c. Executory interests	1. Nature and type	1. Necessity and nature of obligation	2. Ademption
d. Possibilities of reverter, powers of termination	2. Methods of creation	2. Mortgage theories: title, lien, and intermediate	3. Exoneration
e. Rules affecting these interests (including survivorship, class gifts, waste, and cy pres)	a. Express	3. Rights and duties prior to foreclosure	4. Lapse
<b>B. Cotenancy</b>	b. Implied	4. Right to redeem and clogging the equity of redemption	<b>D. Title assurance systems</b>
1. Types: tenancy in common and joint tenancy	c. Prescription	<b>C. Transfers</b>	1. Recording acts
2. Rights and obligations of cotenants	3. Scope and apportionment	1. By mortgagor	a. Types
a. Partition	4. Transfer	a. Assumption and transfer subject to	b. Indexes
b. Severance	5. Termination	b. Rights and obligations	c. Chain of title
c. Relations among cotenants	<b>C. Fixtures</b>	c. Application of subrogation and suretyship principles	d. Hidden risks (e.g., undelivered or forged deed)
<b>C. Landlord-tenant law</b>	<b>D. Zoning (fundamentals other than regulatory taking)</b>	d. Restrictions on transfer (including due-on-sale clauses)	2. Title insurance
1. Types of tenancies	1. Zoning Laws	2. By mortgagee	<b>E. Special problems (including estoppel by deed and judgment and tax liens)</b>
2. Possession and rent	2. Protection of pre-existing property rights	<b>D. Discharge of the mortgage</b>	
3. Transfers by landlord or tenant	3. Rezoning and other zoning changes	1. Payment (including prepayment)	
4. Termination (including surrender, mitigation of damages, anticipatory breach, and security deposits)	<b>III. Real estate contracts</b>	2. Deed in lieu of foreclosure	
5. Habitability and suitability	<b>A. Real estate brokerage</b>	<b>E. Foreclosure</b>	
<b>D. Special problems</b>	<b>B. Creation and construction</b>	1. Types	
1. Rule against perpetuities: common law rule and statutory reforms	1. Statute of frauds and exceptions	2. Acceleration	
2. Alienability, descendibility, and devisability of present and future interests	2. Essential terms	3. Parties to the proceeding	
3. Fair housing/discrimination	3. Time for performance	4. Deficiency and surplus	
4. Conflicts of law related to disputes involving real property	4. Remedies for breach	5. Redemption after foreclosure	
	<b>C. Marketability of title</b>		
	<b>D. Equitable conversion (including risk of loss)</b>		
	<b>E. Options and rights of first refusal</b>		
	<b>F. Fitness and suitability</b>		
	<b>G. Merger</b>		