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
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
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

<table>
<thead>
<tr>
<th>Metrics</th>
<th>Rationale for Use</th>
<th>Current Data</th>
<th>Goal</th>
<th>Trend</th>
<th>Key Update</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ADMISSIONS</strong></td>
<td></td>
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</tr>
<tr>
<td>Admissions Exam</td>
<td>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.</td>
<td>Proficiency (S23/F23/S24) 100% / 100% / 100%</td>
<td>Proficiency (S23/F23/S24) 95% / 95% / 95%</td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>UG GPA (Science and Math)</td>
<td>The cohort science and mathematics average GPA provides an assessment of the overall quality and level of preparedness of the entering cohort.</td>
<td>GPA (S23/F23/S24) 3.53 / 3.55 / 3.34</td>
<td>GPA (S23/F23/S24) 3.50 / 3.50 / 3.50</td>
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</tr>
<tr>
<td><strong>RETENTION</strong></td>
<td></td>
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</tr>
<tr>
<td>GPA of First-Year Cohort</td>
<td>First-semester and first-year GPAs provide an assessment of student mastery of content.</td>
<td>First-Semester GPA (F21/F22/F23) 2.80 / 3.15 / 3.54</td>
<td>First-Semester GPA (F21/F22/F23) &gt;3.30 / &gt;3.30 / &gt;3.30</td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Program Completion Rates</td>
<td>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.</td>
<td>Graduating Cohort (S22/F22/S23) 70% / 76% / 56%</td>
<td>Graduating Cohort (S22/F22/S23) 85% / 85% / 85%</td>
<td></td>
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</tr>
<tr>
<td><strong>READINESS OUTCOMES</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>NCLEX Predictor Exam</td>
<td>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.</td>
<td>Graduating Cohort (F22/S23/F23) 92% / 95% / 100%</td>
<td>Graduating Cohort (F22/S23/F23) &gt; 85% / &gt;85% / &gt;85%</td>
<td></td>
<td>ATI Predictor exam predicts NCLEX exam readiness and success. The annual 2023 NCLEX pass rate is 82.46%, within 10% of the National Average.</td>
</tr>
<tr>
<td>NCLEX Scores</td>
<td>The National Council Licensure Examination (NCLEX) Exam is administered four times per year.</td>
<td>FMU (National) by Quarter (21/22/23) 62.30% / 68.18% / 82.46% (86.06%) / (82.32%) / (90.17%)</td>
<td>Graduating Cohort (21/22/23) &gt; 85% / &gt; 85% / &gt;85%</td>
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<tr>
<td><strong>ACCREDITATION &amp; REGULATION</strong></td>
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</tr>
<tr>
<td>ACEN FL Board of Nursing</td>
<td>- The BSN program is accredited by the Accreditation Commission for Education in Nursing (ACEN)</td>
<td>Accredited through 2026</td>
<td>Accredited through 2026</td>
<td>Continued accreditation w/o conditions</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- The FL BON regulates all pre-licensure nursing education. Requires annual pass rate of 10% of the national average.</td>
<td>Probation through 2023. Review in Jan. 2024</td>
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</tr>
</tbody>
</table>
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
### Key Performance Indicators

#### ADMISSIONS

**Admissions Metric**
The cohort science and mathematics quality and level of prepared average GPA provides an assessment of the overallness of the entering cohort.

<table>
<thead>
<tr>
<th>Current Data</th>
<th>Goal</th>
<th>Trend</th>
<th>Key Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>(F21 / F22 / F23) 3.34 / 3.22 / 3.24</td>
<td>(F21 / F22 / F23) &gt;3.25 / &gt;3.30 / &gt;3.30</td>
<td><img src="image" alt="Up" /></td>
<td>Pharmacy program faculty review the incoming UG GPA in science and math courses to assess predictive preparedness.</td>
</tr>
</tbody>
</table>

#### RETENTION

**Program Completion Rates**
ACPE annually monitors the progression trends of the graduating class for accredited programs. Programs must remain below established thresholds.

<table>
<thead>
<tr>
<th>Academic Dismissals (21' / 22' / 23')</th>
<th>Overall Attrition (21' / 22' / 23')</th>
<th>Dismissals (22' / 23')</th>
<th>Attrition (22' / 23')</th>
</tr>
</thead>
<tbody>
<tr>
<td>5% / 1% / 4%</td>
<td>49% / 39.3% / 34%</td>
<td>&lt; 6% / &lt; 6%</td>
<td>&lt; 24% / &lt; 24%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Academic Dismissals (22' / 23')</th>
<th>Overall Attrition (22' / 23')</th>
</tr>
</thead>
<tbody>
<tr>
<td>4% / 4%</td>
<td>34% / 33%</td>
</tr>
</tbody>
</table>

Academic dismissals and overall attrition trending down. Continuing to monitor and act accordingly.

#### READINESS OUTCOMES

**Diagnostics**
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.

<table>
<thead>
<tr>
<th>FAMU (National) (21' / 22' / 23')</th>
<th>% of Cohort Passing - 3rd Attempt (Sp 21' / 22' / 23')</th>
</tr>
</thead>
<tbody>
<tr>
<td>306 (343) / 295 (345) / 302 (330)</td>
<td>91% / 95% / 96%</td>
</tr>
</tbody>
</table>

PCOA retired in June 2023

**Comprehensive Examination**
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.

<table>
<thead>
<tr>
<th>State Averages (22')</th>
</tr>
</thead>
<tbody>
<tr>
<td>USF: 87.5%</td>
</tr>
<tr>
<td>UF: 85.9%</td>
</tr>
<tr>
<td>PBA: 80%</td>
</tr>
<tr>
<td>NSE: 78.9%</td>
</tr>
<tr>
<td>Larkin: 66%</td>
</tr>
</tbody>
</table>

Examination pass rate is above goal and continually increasing.

**NAPLEX Scores**
Candidates are allowed a maximum of five attempts on the North American Pharmacist Licensure Examination (NAPLEX).

<table>
<thead>
<tr>
<th>FAMU (National) (20' / 21' / 22')</th>
<th>State Averages (22')</th>
</tr>
</thead>
<tbody>
<tr>
<td>80% (87%) / 90% (84%) / 85% (80%)</td>
<td>USF: 87.5%</td>
</tr>
</tbody>
</table>

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.

#### ACCREDITATION

**ACPE**
The PharmD program is accredited by the Accreditation Council for Pharmacy Education (ACPE).

<table>
<thead>
<tr>
<th>The program is fully accredited through June 2024.</th>
<th>The next onsite evaluation is scheduled for Spring 2024.</th>
</tr>
</thead>
</table>
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                                                                 |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------|---------------------------------------------------------------------------|
| **ADMISSIONS**                       |                                                                                                                                                                                                                   |                                                                                                  |                                         |             |                                                                           |
| Admissions Exam (GRE)                | 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). | GRE-Total: 302 / 301.7 / 299                                                                                                                               | GRE-Total: 300                          |             | Maintain minimum admission profile requirements.                         |
|                                      |                                                                                                                                                                                                                   | 3.29 / 3.24 / 3.39                                                                            | 3.52 / 3.50 / 3.44                       |             |                                                                           |
| Undergraduate GPA                    | 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. |                                                                                                                                                               |                                         |             |                                                                           |
|                                      |                                                                                                                                                                                                                   | 3.5 / 5.0 / 3.5                                                                               | 3.5 / 3.5 / 3.5                          |             |                                                                           |
| **RETENTION**                        |                                                                                                                                                                                                                   |                                                                                                  |                                         |             |                                                                           |
| GPA of First Year Cohort             | Analysis of historical cohort data indicates a positive correlation of licensure pass rates with first-semester (Fall) GPA.                                                                                             | First-Semester: 3.59 / 3.51 / 3.59                                                             | First-Semester: 3.3                      |             | Early identification of foundational deficits addressed with tutoring and remediation. |
|                                      |                                                                                                                                                                                                                   | 3.91 / 3.80 / 3.60                                                                           | 3.88 / 3.82 / 3.79                       |             |                                                                           |
| Cohort Progression Rates             | 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)                                                 | Cohort: 91.7% / 100% / 98%                                                                   | Cohort Average: 95%                      |             | Enhanced tracking and monitoring of comprehensive exit exam and first-time pass rate with clinical experiences. |
|                                      |                                                                                                                                                                                                                   |                                                                                                  |                                         |             |                                                                           |
| **READINESS OUTCOMES**               |                                                                                                                                                                                                                   |                                                                                                  |                                         |             |                                                                           |
| Diagnostic Exams                     | The program administers comprehensive exams to each cohort throughout the curriculum to assess student mastery of content and readiness to progress.                                                                    | Cohort 2021 (2nd year): Comprehensive Skills Check-Off (1st/2nd/3rd Attempts)                  |                                         |             |                                                                           |
|                                      |                                                                                                                                                                                                                   | 35% (8/23) / 57% (13/23) / 100% (23/23)                                                        |                                         |             |                                                                           |
| National Physical Therapy Examination| 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.                 | Annual First-Time Pass Rates: 82% / 79.2% / 77.0% (National) 87.9% / 84.9% / 86.3%             | FAMU Ultimate Pass Rate: 100% / 91.7% / 86.7% National Ultimate Pass Rate: 98.7% / 97.1% / 88.7% |             | Enhanced tracking and monitoring of comprehensive exam and first-time pass rate with clinical experiences. |
|                                      |                                                                                                                                                                                                                   |                                                                                                  |                                         |             |                                                                           |
|                                      |                                                                                                                                                                                                                   | Annual First-Time Pass Rate (3-Year Ave.)                                                      |                                         |             |                                                                           |
|                                      |                                                                                                                                                                                                                   | 2023: 90% (90%) / 2022: 90% (90%) / 2021: 90% (88%)                                           |                                         |             |                                                                           |
| **ACCREDITATION**                    |                                                                                                                                                                                                                   |                                                                                                  |                                         |             |                                                                           |
| CAPTE                                 | 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. |             |                                                                           |
FACULTY AND STAFF LEVERAGING THE BRAND

STRIKING from the TOP

Priscilla Harris
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Position: Professor

Erika Hill
Email: erika.hill@famu.edu
Position: Director of Law Admissions

Areti Imoukhuede
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Position: Professor of Law

Darryl Jones
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Position: Professor

Maritza Reyes
Email: maritza.reyes@famu.edu
Position: Professor

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

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

Presenter:
Recent Scholarship in Nonprofit & Philanthropy Law

Presenter:
Endowment, the Development of Professional Identity, and Implementing Standard 203(b)

Presenter:
Enhancing Neurodiversity Within Faculty, Professional, and Student Communities

Presenter:
Strategies for Inclusive Law School Environments of Diversity and Inclusion

Presenter:
Reflective Legal Education: Assessing Inclusive Pedagogy

FAMU FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY

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!
<table>
<thead>
<tr>
<th>College Initiative</th>
<th>FY23</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbri Instructional and Data Resources</td>
<td>$57,588</td>
<td></td>
</tr>
<tr>
<td>Diagnostic Exams</td>
<td>$8,000</td>
<td></td>
</tr>
<tr>
<td><strong>Commercial Bar Tutoring</strong></td>
<td><strong>$32,600</strong></td>
<td></td>
</tr>
<tr>
<td>Supplemental Bar Prep Resources</td>
<td>$60,250</td>
<td></td>
</tr>
<tr>
<td><strong>Recruitment Scholarships</strong></td>
<td><strong>$460,220</strong>*</td>
<td></td>
</tr>
<tr>
<td>Retention Scholarships</td>
<td>$290,236*</td>
<td></td>
</tr>
<tr>
<td>Legal Writing Center</td>
<td>$179,800*</td>
<td></td>
</tr>
</tbody>
</table>
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

Strike, Strike, and Strike Again!
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

Strike, Strike, and Strike Again!
Bar Success Components

Content:
MBE Subject Concepts and Rules
FL Subject Concepts and Rules

Competencies:
Critical Reading
Legal Analysis
Legal Writing
Exam-Taking Skills

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

All students are strongly advised to utilize a commercial bar prep company. FAMU offers supplemental materials and services to students during their post-graduate bar preparation.

MBLS and FBLS are required for students with a 1L GPA of 2.7 or below and elective for other students. These courses teach multiple choice and essay-writing competencies, respectively, and reinforce key bar-tested content.

Upper-level elective courses reinforce foundational concepts and add specific rules for additional subjects. Almost every elective course reinforces foundational concepts from required courses.

At the end of the 1L year, students with a GPA of 2.7 or below are required to undergo intensive academic advising and schedule approval, and are required to take additional courses in bar-tested subjects and competencies.

Required courses cover important concepts and most rules for all MBE and some FL subjects. The required courses are also the foundation for understanding the non-required FL bar-tested subjects. TAs provided for all required courses reinforce exam-taking competencies.

All of the core competencies necessary to pass the bar exam are taught in the required 1L courses Introduction to Analytical Skills I and II. These competencies are reinforced in the required legal writing courses LRW I and II and Appellate Advocacy.
## Subject Matter Topics, Concepts and Rules

<table>
<thead>
<tr>
<th>MBE Subjects</th>
<th>Contract Topics</th>
<th>Formation Concepts</th>
<th>Mutual Assent Rules (Partial)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civ Pro</td>
<td>Formation</td>
<td>Mutual Assent</td>
<td>Offer</td>
</tr>
<tr>
<td>Con Law</td>
<td>Defenses</td>
<td>Certainty of Terms</td>
<td>Acceptance</td>
</tr>
<tr>
<td>Contracts</td>
<td>Interpretation</td>
<td>Consideration</td>
<td>Rejection</td>
</tr>
<tr>
<td>Crim Law</td>
<td>Performance/Breach</td>
<td>Reliance/Restitution</td>
<td>Counteroffer</td>
</tr>
<tr>
<td>Evidence</td>
<td>Remedies</td>
<td>Modification</td>
<td>Revocation</td>
</tr>
<tr>
<td>Property</td>
<td>3rd Party Rights</td>
<td></td>
<td>Unilateral/Bilateral</td>
</tr>
<tr>
<td>Torts</td>
<td></td>
<td></td>
<td>Mailbox Rule</td>
</tr>
</tbody>
</table>

*Strike, Strike, and Strike Again!*
ELECTIVE COURSES BUILD ON REQUIRED COURSES

- **Wills & Estates (Bar Tested)**
  - Property
  - Contracts

- **Employment Law (Not Bar Tested)**
  - Contracts
  - Constitutional Law
  - Torts
Critical Thinking & Reading
Legal Analysis and Writing Skills

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

Courses directly focused on skills for law school/bar success

- IAS I and II: 1-credit 1L courses cover all competencies needed for bar exam

Courses focused on skills that complement bar exam competencies

- LRW I and II: 3 credit 1L courses cover analysis and writing for the practice of law

- Competencies often are not taught directly but should be indirectly reinforced

Doctrinal courses (courses covering specific subject matter, e.g., Property)

- Competencies are reinforced in AAS, required for students with 2.7 or lower 1L GPA

Courses focused on skills for success in practice (simulation courses, clinics, and field placements)

- No substantial reinforcement of competencies needed for bar exam

- TAs for required courses reinforce exam competencies through office hours and workshops

Competencies reinforced in MBLS and FBLs, required for students with 2.7 or lower 1L GPA

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Strike, Strike, and Strike Again!
# POST-GRADUATION BAR PREP

## Commercial Bar Prep Companies

<table>
<thead>
<tr>
<th>Major Companies</th>
<th>Services</th>
<th>Role in Bar Prep</th>
<th>Usage</th>
<th>Intervention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbri (35.6% of Feb Takers)</td>
<td>Law Outlines and Video Lectures, Practice Questions, Recommended Course of Study</td>
<td>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.</td>
<td>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.</td>
<td>Bar Prep companies help identify struggling students. The COL provides commercial bar tutoring services to identified students.</td>
</tr>
<tr>
<td>Kaplan (33.3% of Feb Takers)</td>
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<tr>
<td>Themis (31.1% of Feb Takers)</td>
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</tbody>
</table>
Revamped foundational curriculum (starting Fall 2020)

Admissions profile raised (starting Fall 2020)

Adjusted incoming class size (starting Fall 2020)

Bar tutoring resources for graduates (starting

Additional legal writing course required

Retention scholarships

Intervention measures for students with a 1L GPA of 2.7 or less

RISE TA program covering all required courses

Strike, Strike, and Strike Again!
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

Strike, Strike, and Strike Again!
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

- Incoming Credentials
  - Median UGPA - 3.2
  - Median LSAT - 147

- First-Year Data
  - Median Foundational GPA - 2.66
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
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 clause, 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
I. Ownership of real property
   A. Present estates and future interests
      1. Present estates
         a. Fees simple
         b. Defeasible fees
         c. Life estates
   2. Future interests
      a. Reversions
      b. Remainders, vested and contingent
      c. Executory interests
      d. Possibilities of reverter, powers of termination
      e. Rules affecting these interests (including survivorship, class gifts, waste, and cy pres)

B. Cotenancy
   1. Types: tenancy in common and joint tenancy
   2. Rights and obligations of cotenants
      a. Partition
      b. Severance
      c. Relations among cotenants

C. Landlord-tenant law
   1. Types of tenancies
   2. Possession and rent
   3. Transfers by landlord or tenant
   4. Termination (including surrender, mitigation of damages, anticipatory breach, and security deposits)
   5. Habitability and suitability

D. Special problems
   1. Rule against perpetuities: common law rule and statutory reforms
   2. Alienability, descendibility, and devisability of present and future interests
   3. Fair housing/discrimination
   4. Conflicts of law related to disputes involving real property

II. Rights in real property
   A. Restrictive covenants
      1. Nature and type
      2. Creation
      3. Scope
      4. Transfer
      5. Termination
      6. Property owners’ associations and common interest ownership communities
   B. Easements, profits, and licenses
      1. Nature and type
      2. Methods of creation
         a. Express
         b. Implied
         c. Prescription
      3. Scope and apportionment
      4. Transfer
      5. Termination
   C. Fixtures
   D. Zoning (fundamentals other than regulatory taking)
      1. Zoning Laws
      2. Protection of pre-existing property rights
      3. Rezoning and other zoning changes

III. Real estate contracts
   A. Real estate brokerage
   B. Creation and construction
      1. Statute of frauds and exceptions
      2. Essential terms
      3. Time for performance
      4. Remedies for breach
   C. Marketability of title
   D. Equitable conversion (including risk of loss)
   E. Options and rights of first refusal
   F. Fitness and suitability
   G. Merger

IV. Mortgages/security devices
   A. Types of security devices
      1. Mortgages (including deeds of trust)
         a. In general
         b. Purchase money mortgages
         c. Future advance mortgages
      2. Installment land contracts
      3. Absolute deeds as security
   B. Security relationships
      1. Necessity and nature of obligation
      2. Mortgage theories: title, lien, and intermediate
      3. Rights and duties prior to foreclosure
      4. Right to redeem and clogging the equity of redemption
   C. Transfers
      1. By mortgagor
         a. Assumption and transfer subject to
         b. Rights and obligations
         c. Application of subrogation and suretyship principles
         d. Restrictions on transfer (including due-on-sale clauses)
      2. By mortgagee
   D. Discharge of the mortgage
      1. Payment (including prepayment)
      2. Deed in lieu of foreclosure
   E. Foreclosure
      1. Types
      2. Acceleration
      3. Parties to the proceeding
      4. Deficiency and surplus
      5. Redemption after foreclosure

V. Titles
   A. Adverse possession
   B. Transfer by deed
      1. Requirements for deed
      2. Types of deeds (including covenants for title)
      3. Drafting, review, and negotiation of closing documents
      4. Persons authorized to execute documents
   C. Transfer by operation of law and by will
      1. In general
      2. Ademption
      3. Exoneration
      4. Lapse
   D. Title assurance systems
      1. Recording acts
         a. Types
         b. Indexes
         c. Chain of title
         d. Hidden risks (e.g., undelivered or forged deed)
   2. Title insurance
   E. Special problems (including estoppel by deed and judgment and tax liens)