

MBE RULES CHEAT SHEET

1. Venue
 - Refers to the proper place for a trial, even though several courts could exercise jurisdiction.
 - Is a question of convenience.
 - Is proper where the defendant reside or if more than one defendant and domicile, where the claim arose.
 - A State in which a corporation is authorized to do business but is not domiciled has jurisdiction to hear the claim.
2. Secondary evidence: cannot be used if an original exists, unless there is a good reason for the non-production of the original
3. Evidence of habits of animals
 - Admissible to prove they acted in accordance with the habit on a given occasion. E.g., the reaction of a dog trained in finding drugs when sniffing a suitcase potentially with cocaine in it.
 - Inadmissible to prove the matter asserted because a dog's bark is not an assertion, so it cannot be considered as evidence, much less hearsay or the like.
4. Prior ID as Non-Hearsay
 - The witness in the stand must be the person that identified the suspect
 - The witness on the stand cannot be anyone else, like the police officer that organized the ID line up.
5. Publication of an oral defamatory matter/slander
 - Is the communication of a defamatory matter intentionally or by a negligent to one other than the person defamed
 - For example, calling yealling at someone "you are a thief" in a private room, where the person yealling knew or should have known that other outside the room could hear
 - Unless its a public figure, neither negligence nor malice are needed to prove slander
6. Hearsay Exception of "Former Testimony"
 - Will allow hearsay evidence (a statement from someone not present in court to testify) to be admitted in court when the declarant is UNAVAILABLE to testify at the new trial;
 - The statement is a prior court statement under oath at a previous trial in which the declarant was cross-examined
 - Regardless of whether that opportunity was effectively used at that time
7. Art IV US Constitution – Powers of Congress
 - Authorizes Congress to make federal laws prohibiting the destruction or removal of wild animals from federal land without express permission of the regulatory agency
 - This power is PLENARY prevails over any contradictory state law
8. Rule 12
 - Is about defenses, objections and motions to dismiss

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Sean Silverman

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The MBE Decoded Mary Basick,Tina Schindler,2021-04-12 MBE Decoded is a fresh approach to MBE study which makes the vast amount of MBE tested rules manageable and understandable The authors fully analyzed all NCBE released MBE questions to determine rule coverage and identify common testing patterns so you don t have to This book can be used during law school for early bar preparation or during intensive bar preparation by first time takers and repeat bar takers who struggled on the MBE the first time This book is a great resource for students to get essential MBE practice before they fully know the law allowing students to get additional essential practice recognizing the fact patterns and testing styles that are key to passing Pedagogically this book encourages students to engage with the material develop deep rule understanding gain MBE pattern recognition and aids in critical memorization efforts Professors and student will benefit from MBE black letter law subject matter outlines that are clear and concise with key terms bolded Identification of the most frequently tested MBE rules Summary charts to help you understand confusing topics and how they interrelate MBE tips to improve accuracy and understanding of how the rules apply to fact patterns Decoy tips to help you avoid picking the wrong answer when more than one good option is available Examples pulled from NCBE MBE released questions which illustrate how the rules are MBE tested Bullet point memorization cheat sheets Guided MBE question deconstructions illustrating best MBE solving practices A guide on how to effectively solve MBE questions with troubleshooting tips to help improve your accuracy Guidance on effectively taking an MBE exam online MBE Essentials Sean Silverman,2014-05-01 MBE Essentials is a resource that provides the essential content tested in each subject area on the Multistate Bar Exam The material in the resource is presented in a conversational question and answer format The questions and answers are intended to teach the substantive law in a method far more effective than the way in which the law is presented in traditional subject matter outlines MBE Essentials contains chapters in each of the following subject areas Contracts Criminal Law Criminal Procedure

Evidence Real Property Torts Constitutional Law and The Federal Rules of Civil Procedure **Bar Exam Study Guides**

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and the confidence to succeed This book will give you those tools to score better on the MBE I have included at the end innovative study guides that will help you practice what you have learned

Strategies and Tactics for the MBE 2

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