

Question # 1

In a suit based on a will, the distribution of \$1 million depends upon whether the wife survived her husband when both died in the crash of a small airplane. An applicable statute provides that, for purposes of distributing an estate after a common disaster, there is a rebuttable presumption that neither spouse survived the other. A witness has been called to testify that as she approached the plane she heard what she thought was a woman's voice saying, "I'm dying," although by the time the husband and wife were removed from the wreckage they were both dead.

Is the witness's testimony admissible?

- (A) No, because the matter is governed by the presumption that neither spouse survived the other.
- (B) No, because the witness's testimony is too speculative to support a finding.
- (C) Yes, because the hearsay rule does not apply to statements by decedents in actions to determine rights under a will.
- (D) Yes, because it is relevant and not otherwise prohibited.

Question # 2

A defendant was lawfully arrested for bank robbery, without an arrest warrant. He was not given Miranda warnings but was immediately taken to a police station, where he and five other men were placed in a lineup to be viewed by the bank teller who had been on duty at the time of the robbery. Each man was required to say the words spoken by the bank robber: "Give me all your money. I've got a gun." After all the men in the lineup spoke those words, the teller identified the defendant as the robber.

The defendant subsequently moved to suppress the teller's testimony, claiming that the lineup violated his privilege against self-incrimination. At the suppression hearing, the teller testified that she had not gotten a good look at the robber's face, because the robber had been wearing a hat pulled down over most of his face, but that she was certain the defendant was the robber because she had recognized his voice at the lineup.

Should the defendant's motion be granted?

- (A) No, because being required to speak at the lineup, while compelled, was not testimonial or communicative.
- (B) No, because testimony of a witness based on firsthand observation is not subject to exclusion as the fruit of the poisonous tree.
- (C) Yes, because the defendant was compelled to speak at the lineup, and this compelled speech led to the witness's identification testimony.
- (D) Yes, because the defendant was never informed that he could refuse to make a statement and that any statement could be used as evidence against him.

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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 students 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.

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Strategies & Tactics for the MBE Steven L. Emanuel, 2023-01-21. This new edition of *Strategies Tactics for the MBE* has been carefully revised by Steve Emanuel and is full of up to date advice on how to analyze Multistate Bar Exam MBE questions in all MBE subject areas: Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, and Torts. Steve Emanuel, author of the Emanuel Law Outlines and CrunchTime books in the MBE subject areas, has passed the bar exam in several states including New York and California and worked with law students to prepare them for taking the MBE. New to the Eighth Edition: 30 new Civil Procedure questions all recently asked on the MBE and released by examiners with detailed answers by Steve Emanuel. More than 100 new actual MBE questions in each of the other MBE subject areas.

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Strategies & Tactics for the MBE Steven Emanuel, 2019-12-19 The Seventh Edition of Strategies Tactics for the MBE has been carefully revised by Steve Emanuel and is full of up to date advice on how to analyze Multistate Bar Exam MBE questions in all MBE subject areas Civil Procedure Constitutional Law Contracts Criminal Law and Procedure Evidence Real Property with Future Interests and Torts Steve Emanuel author of the Emanuel Law Outlines and CrunchTime books in the MBE subject areas has passed the bar exam in several states including New York and California and worked with law students to prepare them for taking the MBE New to the Seventh Edition 30 additional Civil Procedure questions all recently asked on the MBE and released by examiners with detailed answers by Steve Emanuel Recently released actual MBE questions in Constitutional Law Contracts Criminal Law and Procedure Evidence Property and Torts also with detailed answers by Steve Emanuel Key features include Fully explained answers that not only analyze each answer option for each question but also explain doctrines or rules that are necessary for answering the question and that you may not have encountered since your first year in law school Detailed advice on how to handle MBE questions in each of the MBE subject areas Step by step strategies for analyzing different question types Tips about how subtle differences in wording can change the meaning of an answer Strategies for rewording questions in your mind to make them easier to analyze Over 550 questions in the MBE topics Civil Procedure Constitutional Law Contracts Criminal Law and Procedure Evidence Real Property and Future Interests and Torts that were asked on past MBEs A complete MBE style 200 question practice exam with detailed answers

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