

# California Bar Exam Outlines

## COMMUNITY PROPERTY

### Community Property

- a. California is a community property state. There is a presumption that all property acquired during marriage is community property. This means property acquired by either spouse during a marriage is presumed to be equally owned by both spouses. Separate property is property acquired before marriage or after permanent separation, or acquired by gift, bequest, devise or descent with rents issues and profits thereon.
- b. Analyze the character of each item by asking:
  - i. Source of the property – when and how was the property acquired?
  - ii. Actions – did the spouses take any action that would change the character of the property?
  - iii. Presumptions – are there any legal presumptions that may affect the character of the asset?, and
  - iv. Disposition – what will be done with the property?
- c. Date of Marriage (4 Ways)
  - i. Married – Capacity, license, witnessed ceremony, registered with the county recorder.
    1. CA recognizes a marriage from another jurisdiction (Except for same sex marriages)
    2. Marriage can't be void (no incest / pre-existing marriage)
    3. Common Law marriages do not exist in CA
      - a. Exception – CA recognizes valid common law marriages from another state.
    4. Same-sex marriages are valid in CA
      - a. Thus, same sex married couples may claim CP rights as Spouses, not Domestic Partnerships
  - ii. Domestic Partnership – All laws pertaining to married persons apply to DP's
    1. Filing – Declaration of domestic partnership with the Secretary of State
    2. Includes – (1) unmarried same sex couples, or (2) Elderly who receive social security benefits.
  - iii. Quasi-Marital Property
    1. Quasi-marital property – property acquired during a putative marriage which would have been community property if the marriage was not void (Treat as CP)
    2. Putative Spouse – When a spouse has an objectively reasonable and good faith belief that they are married but through no fault of their own they are not.
      - a. Rationale – created to deal with equitable situations.
  - iv. Marvin Actions – Contracts that allow you to get into Family Law Court
    1. Rule – Courts should enforce express contracts between non-marital partners, unless the contract is founded on illegal sexual services. If no contract exists, courts look to see if the parties' conduct demonstrates a tacit understanding of an implied contract.
    2. Result – All property acquired during a Marvin Action will be treated as CP.
    3. Examples – Cohabitation with no marriage, same sex relationships.
- d. Date of Separation (DOS) – date when marriage is irretrievably broken.
  - i. Irretrievably Broken – The economic community ends when:

# 15 California Bar Exam California Outlines

**L Reisser**



## **15 California Bar Exam California Outlines:**

**2016 California Bar Exam California Outlines** California Bar Tutors, 2015-10-25 May 2016 Revision 188 total pages Purchasers of prior editions please email admin californiabartutors.com for information on the upgrade exchange program Updated and revised for the 2016 California Bar Exams California Bar Tutors CaliforniaBarTutors.com presents comprehensive outlines for the non multistate MBE subjects tested on the California Bar BUSINESS ASSOCIATIONS CALIFORNIA FEDERAL CIVIL PROCEDURE CALIFORNIA FEDERAL EVIDENCE COMMUNITY PROPERTY PROFESSIONAL RESPONSIBILITY TRUSTS WILLS Each outline notes important California distinctions that are key to success Each outline was developed over a six month period and continually tested against bar standard questions Following each testing session our outlines were refined until we were confident that not only are they the best in the business but that they can tackle any problem the bar could pose 2013 California Bar Exam California Outlines California Bar Tutors, 2012-11-04 Updated and revised for the 2013 California Bar Exams California Bar Tutors CaliforniaBarTutors.com presents comprehensive outlines for the non multistate MBE subjects tested on the California Bar AGENCY PARTNERSHIPS CORPORATIONS COMMUNITY PROPERTY WILLS TRUSTS CIVIL PROCEDURE CALIFORNIA EVIDENCE PROFESSIONAL RESPONSIBILITY Each outline notes important California distinctions that are key to success Each outline was developed over a six month period and continually tested against bar standard questions Following each testing session our outlines were refined until we were confident that not only are they the best in the business but that they can tackle any problem the bar could pose *2016 California Bar Exam Multistate Outlines* California Bar Tutors, 2015-10-25 Purchasers of the 2015 and earlier editions are encouraged to email Questions CaliforniaBarTutors.com for information on CBT's exchange program Updated and revised for the 2016 California Bar Exam California Bar Tutors CaliforniaBarTutors.com presents comprehensive outlines for the multistate MBE subjects CIVIL PROCEDURE CONSTITUTIONAL LAW CONTRACTS CRIMINAL LAW CRIMINAL PROCEDURE EVIDENCE REAL PROPERTY TORTS Each outline notes tested California distinctions and was developed over a six month period and continually tested against bar standard questions Following each testing session our outlines were refined until we were confident that not only are they the best in the business but that they can tackle any problem the bar could pose **Emanuel Law Outlines for Property , California Bar Exam Outlines - 2015** AmeriBar Bar Review, 2014-09-09 AmeriBar's California Bar Exam outlines book for 2015 This book contains complete outline for all non MBE subjects tested on the California bar exam The California Bar Exam Outlines book covers the following subjects Business Associations including agency corporations LLCs LLPs and partnerships Civil Procedure California Community Property Evidence California Professional Responsibility Remedies Trusts and Wills AmeriBar is a bar review organization that has been assisting students prepare for the bar exam since 1999 AmeriBar provides comprehensive bar review courses for over 30 jurisdictions AmeriBar provides bar exam tutoring for repeat takers Hundreds of video and written testimonials

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CORPORATIONS COMMUNITY PROPERTY WILLS TRUSTS PROFESSIONAL RESPONSIBILITY AND CIVIL PROCEDURE

The Primer Outlines are concise and are designed to make the most efficient use of your study time as test day approaches. They are structured to form an active approach that you can work through to make sure you hit all of the issues. This active issue spotting technique helps you maximize points. The Issue Spotters are short one page checklists that are designed to be memorized prior to taking the bar exam. Exam takers use these checklists to make sure no issue goes uncovered. With this book success can be yours.

**Clearing the Last Hurdle** Wanda M. Temm, Susan Smith-Bakhshian, 2020-02-27. Chart a course for success with *Clearing the Last Hurdle: Mapping Success on the California Bar Exam*, a comprehensive text that includes substantive outlines on all Multistate Bar Examination (MBE) and California Essay Exam topics. With measurably positive results, authors Wanda Temm and Susan Bakhshian guide students through the process of bar preparation with clear and organized instruction, innovative strategies like mind maps, an innovative tool for improving memory and associating concepts, and practice questions in all formats for the MBE, the California Essay Exam, and the California Performance Test. Professors and students will benefit from Guidelines on how to formulate a game plan for preparing to take the bar. Practice questions in multiple choice, essay, and performance test formats. Score sheets with which students can assess their own progress. Instruction on creating and using mind maps to improve memory and organize conceptual relationships. Starter mind maps for MBE and California Essay Exam topics. Exam taking tips throughout. Visual illustrations of key concepts. Techniques for decreasing anxiety and stress and for building confidence. Proven bar preparation strategies tailored to the California Bar Exam.

**2019 California Bar Exam Total Preparation Book** California Bar Tutors, 2018-12-04. 2019 Edition. Includes the new Rules of Professional Responsibility effective November 2018. Purchasers of prior editions please email [admin@californiabartutors.com](mailto:admin@californiabartutors.com) for information on the exchange program. Book purchasers are eligible for one free scored and graded bar essay. Contact CBT for details. Updated and revised for the 2019 California Bar Exams. California Bar Tutors. [CaliforniaBarTutors.com](http://CaliforniaBarTutors.com) presents the most effective bar study book in the business. Please note: law recited is pursuant to The State Bar of California's defined scope of the exam. <http://admissions.calbar.ca.gov>. As such, common law, California law, and Federal Law is included where appropriate. Law recited herein is intended for use on the California Bar Exam and may not be appropriate for use as a practicing attorney.

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are structured to form an active approach that you can work through to make sure you hit all of the issues and maximize points The Issue Spotters are short one page checklists that are designed to be memorized prior to taking the bar exam Exam takers use these checklists to make sure no issue goes uncovered 2020 California Bar Exam Total Preparation Book California Bar Tutors,2019-12-26 2020 Edition Includes the new Rules of Professional Responsibility effective November 2018 Purchasers of prior editions please email admin californiabartutors com for information on the exchange program Book purchasers are eligible for one free scored and graded bar essay contact CBT for details Updated and revised for the 2020 California Bar Exams California Bar Tutors CaliforniaBarTutors com presents the most effective bar study book in the business Please note law recited is pursuant to The State Bar of California s defined scope of the exam http admissions calbar ca gov As such common law California law and Federal Law is included where appropriate Law recited herein is intended for use on the California Bar Exam and may not be appropriate for use as a practicing attorney About Our Book If you are carrying around a huge commercial bar review book and are unsure what information you actually need to learn you are not alone Most companies cram every possible piece of information into their outlines regardless of whether it is actually tested Such information overload causes problems during the exam Our book is comprised of Comprehensive Outlines Primer Outlines and Issue Spotters The Comprehensive Outlines are designed to be studied from until the last three weeks before the bar Needless to say they are comprehensive and explain the law in the way it should be written on the bar exam The Primer Outlines are concise and are designed to make the most efficient use of your study time during the final weeks before the bar exam They are structured to form an active approach that you can work through to make sure you hit all of the issues and maximize points The Issue Spotters are short one page checklists that are designed to be memorized prior to taking the bar exam Exam takers use these checklists to make sure no issue goes uncovered *BAR/BRI Digest ,2004* **California. Court of Appeal (2nd Appellate District). Records and Briefs** California (State)., 2015 California Bar Exam California Outlines California Bar Tutors,2014-11-17 The 2015 edition features the largest revision in 5 years including complete rewrites of several subjects in response to recent testing trends the broadening of the MBE and case law developments Purchasers of the 2014 and earlier editions are encouraged to email Questions CaliforniaBarTutors com for information on CBT s exchange program Updated and revised for the 2015 California Bar Exams California Bar Tutors CaliforniaBarTutors com presents comprehensive outlines for the non multistate MBE subjects tested on the California Bar BUSINESS ASSOCIATIONS CALIFORNIA FEDERAL CIVIL PROCEDURE CALIFORNIA FEDERAL EVIDENCE COMMUNITY PROPERTY PROFESSIONAL RESPONSIBILITY TRUSTS WILLS Each outline notes important California distinctions that are key to success Each outline was developed over a six month period and continually tested against bar standard questions Following each testing session our outlines were refined until we were confident that not only are they the best in the business but that they can tackle any problem the bar could pose **2011 California Bar Exam California Outlines**

California Tutors,2010-10-19 This book has been replaced by the 2012 California Bar Exam California Outlines *California First Year Exam Outline Book* L. L. C. Celebration Bar Review, LLC,2012-04-11 Substantive outlines for the 3 subjects tested in the California First Year Bar Exam Torts Contracts and Criminal Law These are the same outlines used in the Celebration Bar Review course for the California Baby Bar Exam 2015 Edition **National Bar Examination Digest** ,1975 **2013 California Bar Exam Multistate Outlines** California Bar Tutors,2012-11-02 Updated and revised for the 2013 California Bar Exam California Bar Tutors CaliforniaBarTutors.com presents comprehensive outlines for the multistate MBE subjects CONSTITUTIONAL LAW CONTRACTS CRIMINAL LAW PROCEDURE EVIDENCE REAL PROPERTY TORTS Each outline notes California distinctions and was developed over a six month period and continually tested against bar standard questions Following each testing session our outlines were refined until we were confident that not only are they the best in the business but that they can tackle any problem the bar could pose California State Bar Journal ,1981

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