

# MEE Subject Difficult Points

## Business Associations

**Most Frequent:** Formation of Corporations, Corporate Finance, Shareholders, Directors, Officers, Fundamental Corporate Changes

**Difficult:** Piercing the Corporate Veil, Fiduciary Duties of Directors, Derivative Actions

## Civil Procedure

**Most Frequent:** Federal Subject Matter Jurisdiction, Personal Jurisdiction, Venue, Motions, Appeals

**Difficult:** Subject Matter Jurisdiction: Supplemental Jurisdiction, Personal Jurisdiction, Venue (Proper Venue & Transfer of Venue), Law Applied by Federal Courts: Erie Doctrine, Motion for Summary Judgment, Claim Preclusion (Res Judicata)

## Conflict of Laws

**Most Frequent:** Choice of Law Theories, Choice of Law Rules: Torts, Contracts, Real Property, Full Faith and Credit

**Difficult:** Choice of Law Theories, Choice of Law Rules: Contracts, Law Applied by Federal Courts: Erie Doctrine, Full Faith and Credit

## Constitutional Law

**Most Frequent:** State Sovereign Immunity, Commerce Clause, Negative Commerce Clause, Government Action, Due Process, Equal Protection, Takings, Freedom of Speech

**Difficult:** Justiciability, Commerce Clause, Government Action, Freedom of Speech

## Contracts

**Most Frequent:** Formation of Contracts, Performance, Breach, & Discharge, Remedies

**Difficult:** UCC Article 2 Governs Contracts for the Sale of Goods, Mutual Assent: Offer & Acceptance, Consideration: Bargained for Exchange & Substitutes, Modification of Contracts: Pre-Existing Duty Rule & Exceptions, Parol Evidence Rule, UCC Perfect Tender Rule & Exceptions, Common Law Expectation Damages

## Criminal Law and Procedure

**Most Frequent:** General Principles, Homicide, Other Crimes, Inchoate Offenses, Arrest, Search, and Seizure, Confessions, Privilege Against Self-Incrimination, and Right to Counsel

**Difficult:** Elements of a Crime, Homicide, Fourth Amendment Right - Government Action & Standing, Confessions: 14th Amendment Due Process Clause, Exclusionary Rule & the Fruit of the Poisonous Tree Doctrine

## **Evidence**

**Most Frequent:** Probative Value, Character Evidence & Related Concepts, Impeachment, Hearsay, Privileges

**Difficult:** Character Evidence, Impeachment, Hearsay, Privileges

## **Family Law**

**Most Frequent:** Marriage Requirements, Premarital Agreements, Jurisdiction, Divorce, Division of Property, Child Custody, Adoption

**Difficult:** Common Law Marriage, Premarital Agreements, Jurisdiction, Child Support, Child Custody, Agreements Between Unmarried Cohabitants

## **Real Property**

**Most Frequent:** Present Estates and Future Estates, Landlord & Tenant Issues, Easements & Licenses, Adverse Possession, Land Conveyances, Mortgages/Security Devices

**Difficult:** Present Estates: Defeasible Fees, Landlord Duties, Easements by Grant, Prescription, Implication, & Necessity, Adverse Possession, Requirements for a Valid Land Sale Contract, Mortgages & Requirements for a Valid Mortgage

## **Secured Transactions**

**Most Frequent:** Applicability & Scope of Article 9 of the UCC, Attachment and Perfection, Priorities, Secured Party's Rights & Remedies Upon Default

**Difficult:** Scope of Article 9 of the UCC, Attachment and Perfection, Priority for Perfected Interests & Unperfected Interests, Secured Party's Right to Dispose of Collateral

## **Torts**

**Most Frequent:** Negligence, Common Law Strict Liability, Products Liability

**Difficult:** Intentional Torts, Prima Facie Case of Negligence, Standard of Care, Strict Liability, Strict Products Liability

## **Trusts & Future Interests**

**Most Frequent:** Trust Creation, Types of Trusts, Powers & Duties of Trustees, Future Interests

**Difficult:** Trust Formation Elements, Types of Trusts, Trustee Duty to Administer the Trust, Future Interests

## **Wills & Estates**

**Most Frequent:** Intestate Succession, Will Execution Requirements, Distribution of Property, Construction Problems, Class Gifts, Gifts to Children, Will Contests, Non-Probate Transfers

**Difficult:** Intestate Succession, Will Execution Formalities, Distribution of Property, Class Gifts, Gifts to Children, Testamentary Capacity

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